

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**

**February 10, 2015**

Robert Anaya, Chair - District 3  
Miguel Chavez, Vice Chair - District 2  
Kathy Holian - District 4  
Henry Roybal - District 1  
Liz Stefanics - District 5

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**REGULAR MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

**February 10, 2015**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:35 p.m. by Chair Robert Anaya in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

**b. Roll Call**

Roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner Robert Anaya, Chair  
 Commissioner Miguel Chavez, Vice Chair  
 Commissioner Kathy Holian  
 Commissioner Henry Roybal  
 Commissioner Liz Stefanics

**Members Excused:**

None

- I. C. Pledge of Allegiance**  
**D. State Pledge**  
**E. Moment of Reflection**

The Pledge of Allegiance was led by John Vigil, the State Pledge by Art Gonzales and the Moment of Reflection by Michael Sandoval of the Public Works Department.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would like to remember at this time, and there might be more at another meeting, Mr. Bill Baxter who has passed away and Miss Linda Pedro, both activists in our community in different ways.

CHAIR ANAYA: Thank you, Commissioner Stefanics. And I'd like to thank those three individuals for leading us today. Let's give them a round of applause. Thank you very much.

**1. F. Approval of Agenda**

**1. Amendments.**

**2. Tabled or Withdrawn Items**

MANAGER MILLER: Mr. Chair, Commissioners, I have a couple of items. The Matters from the County Attorney, item VI A. 1. a and b have been added. I would just like to recommend, however, that we hear those after the land use cases.

Additionally, under Public Hearings item VIII B. 3, the CDRC Case Z-06 5033, we have a request to table that. Additionally, item B.5, CDRC Case Z/DPD/FDP 14-5370 to be tabled as well.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I'll make a motion to approve the agenda as amended.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There is a motion to approve the agenda as amended with a couple of tabling items and also moving the executive session to after the land use cases.

**The motion passed by unanimous [5-0] voice vote.**

**G. Approval of Minutes (Action Item)**

**1. Approval of January 13, 2015 BCC Regular Meeting Minutes**

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Unless there are changes from staff, I'll move approval of the January 13, 2015 BCC regular minutes.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion and a second. Any further discussion?

**The motion passed by unanimous [5-0] voice vote.**

**2. Approval of January 13, 2015 BCC Meeting Community Development Block Grant Program Special Meeting Minutes**

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I'll move for approval of the January 13, 2015 BCC meeting Community Development Block Grant Program special meeting minutes.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: Motion to approve Commissioner Holian, second

Commissioner Chavez. Any further discussion?

**The motion passed by unanimous [5-0] voice vote.**

**3. Approval of January 13, 2015 BCC Special Meeting Minutes**

COMMISSIONER CHAVEZ: Move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: Motion Commissioner Chavez. Second Commissioner Holian. Any further discussion?

**The motion passed by unanimous [5-0] voice vote.**

**H. Honoring Our Veterans and Service Men and Women**

CHAIR ANAYA: We'll move on now to an item that is going to be a theme of my time here on the chair and for my fellow colleagues on the Commission and that's a time to honor our veterans and service men and women. So at this time I would ask our warden, Mr. Mark K. Caldwell to please come forward. Thank you, Mr. Caldwell.

Warden Caldwell was born in Springer, New Mexico and comes from a family with a long history and tradition in military and public service. His parents are Fred and Juanita Caldwell. His father is a former Marine, correction officer in the California Department of Corrections, retired New Mexico State Policeman and was a Magistrate Judge for 18 years.

Warden Caldwell began working with the New Mexico Department of Corrections in 1979 and in 1987 he enlisted in the United State Air Force as a Law Enforcement Specialist and was an honor graduate from the United State Air Force Security Policy Academy. Additional activities, accomplishments and decorations which serving were: selected as security police squadron briefer for all distinguished visitors at two based; selected as base-wide airman of the quarter at two bases; member of Air Force wide outstanding unit award; best medium sized security police unit with Bronze Oak Leaf Cluster; National Defense Service medal; Small Arms Experts Marksmanship ribbon with Bronze Service Star; Air Force Good Conduct Medal; Air Force Achievement Medal with Bronze Oak Leaf Cluster one of the Air Force Achievement Awards was for being a member of the Air Force EST, Emergency Services Team, and various actions conducted by the team. EST is the military equivalent of civilian SWAT. He played basketball for the Air Force in Europe. He was a member of Air Force Security Police Mobility Team – ready to deploy on a moment's notice to worldwide areas of conflict and civil unrest. He had two 90-day tours to Republic of Panama as member of the Security Forces Contingent; 90-day tour to Puerto Rico as a member of Security Force Contingent for South American Drug Interdiction Operations and was the NCOIC, Non-Commissioner Officer in Charge, for the Holloman Air Force Base Detention Facility and he received an honorable discharge.

He received his education in criminal justice and psychology at the European

Division of the University of Maryland and the University of New Mexico. He is a proud father to son, Brad and has two beautiful granddaughters, Kayley and Kiersten.

Mr. Caldwell the floor is yours.

WARDEN CALDWELL: Mr. Chair, members of the Commission, it was a privilege and an honor to serve the country and it's an equal privilege to be able to serve the public here in Santa Fe County. And I thank you all for honoring and recognizing veterans. Thank you very much.

CHAIR ANAYA: Thank you very much, Mr. Caldwell. Commissioners. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you very much and as we saw at our last meeting we had several staff in attendance who were veterans I know that we probably have many more throughout and I was thinking of how we might bring a large group of maybe County staff to the chambers one day. And then maybe women veterans another day. Maybe disabled veterans another day but maybe really start focusing on maybe the different wars but bring in groups of people we can honor all together. But thank you very much for your service to us here at Santa Fe County and to us as citizens of the United States.

WARDEN CALDWELL: Thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics, and I would – I appreciate those recommendations and would concur and let's all collectively work on that. Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Caldwell, in listening to Commissioner Anaya read part of your bio which I didn't know until today, it just reinforces your commitment and willingness to serve. I've done one jail inspection and the way you and your staff treat our clients really amazed me because you do not look down at them at any level. You are there to help them and I really appreciated that and I want to thank you for your service to the country and your service now to the county. Thank you.

WARDEN CALDWELL: Thank you.

CHAIR ANAYA: Commissioner Roybal.

COMMISSIONER ROYBAL: I just want to say thank you also, Mr. Caldwell, for all of your service and dedication. I've gone for a visit to the jail and it is outstanding. You've done a great job so I really appreciate that, thank you.

WARDEN CALDWELL: Thank you.

CHAIR ANAYA: Thank you, Commissioner Roybal. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Warden Caldwell you have had a distinguished career, that is clear from the description. And I just to add my voice to those thanking you for your service to the country and to our county.

WARDEN CALDWELL: Mr. Chair, County Commissioners, thank you very much.

CHAIR ANAYA: Thank you very much and we're going to go down and take a picture with you if we could. But this certificate of recognition from the Santa Fe County Board of County Commissioners hereby acknowledges Mark K. Caldwell veteran of the United States Air Force.

[The Warden received a round of applause and photos were taken.]

## II. Consent Agenda (Action Item)

CHAIR ANAYA: Commissioners, we'll now move on to the Consent Agenda.

MR. SHAFFER: Mr. Chair, if I could, before you move onto that item

CHAIR ANAYA: Sure, Mr. Shaffer.

MR. SHAFFER: Mr. Willie Brown of my office just pointed out that in the final order for item II. A. 2, the Minnie Walsh variance, he did a final review of it. He noticed two typographical errors on page 1 of that order in the last paragraph that begins on page 1. It should be by order of the Honorable Raymond J. Ortiz. So we would be inserting the word "of" between order and the. And then on page 2, on paragraph 4.a. instead of a semicolon there should be a period.

So I just respectfully request, Mr. Chair, that any motion on consent incorporate those two typographical corrections to that final order.

CHAIR ANAYA: Thank you, Mr. Shaffer. Is there a motion from the Commissioners as amended for that particular case?

COMMISSIONER CHAVEZ: Mr. Chair, I would so move.

CHAIR ANAYA: Is that a motion to approve the consent agenda with the amendments to the case noted?

COMMISSIONER CHAVEZ: Mr. Chair, I would make the motion to approve the consent agenda final orders 1, 2, 3, and 4 with amendments to CDRC Case #V 13-5190, the Minnie Walsh Variance.

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: There's a motion and a second, from Commissioner Stefanics. Motion from Vice Chair Chavez. Mr. Shaffer, does that cover us? Any further discussion?.

**The motion passed by unanimous [5-0] voice vote.**

### A. **Final Orders**

1. **CDRC CASE #V14-5080 Jason Mohamed Variance. Jason Mohamed, Applicant, (Knutson Law P.C.) Kristofer C. Knutson, Agent, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 2.5 Acres. The Property is Located at 11 Virginia Lane, within Section 24, Township 15 North, Range 8 East (Commission District 5). (Approved 5-0) Miguel "Mike" Romero, Case Manager. 2**
2. **CDRC CASE # V 13-5190 Minnie Walsh Variance. Minnie Walsh, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) and a Variance of Article III,**

**Section 2.4.1a.2.b (Access) of the Land Development Code and a Variance of Article 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to Allow a Family Transfer Land Division of 1.195 Acres into Two Lots. The Board of County Commissioners Rendered a Decision to Approve this Request on October 8, 2013. The BCC's Decision was then Appealed to District Court, and the Court Decision on July 31, 2014, was to Remand the Case Back to the BCC for a Rehearing. The Property is Located at 58 Arroyo Jaconita, within the Traditional Community of Jacona, within Section 11, Township 19 North, Range 8 East, (Commission District 1). (Approved 3-2) John Lovato, Case Manager.**

- 3. CDRC CASE # Z/DP/V 14-5430 Santa Fe Brewing Co Expansion. Lock Builders, LLC, Applicant, JenkinsGavin, Agents, Request a Master Plan Amendment, Preliminary and Final Development Plan Approval to Allow an Expansion to an Existing Brewing Facility on 4.97-Acres. This Request also Includes a Variance of Ordinance No. 2000-12, Article XV, Section 6.H Open Space Standards to Allow 37 percent Open Space Rather than the Required 50 percent Open Space. The Property is Located at 35 Fire Place, within the Community College District, within Section 24, Township 16 North, Range 8 East (Commission District 5). (Approved 5-0) John M. Salazar, Case Manager.**
- 4. BCC CASE # MIS 02-4326 La Pradera Subdivision Time Extension. Gardner Associates and La Pradera Associates, Applicants, Request a 2-Year Time Extension of the Previously Approved Final Plat and Development Plan for Phases 4, 5 and 6B and the Master Plat Lots (Lots 33 and 69) in Phase 1 Consisting of 72 Lots of the La Pradera Subdivision. The Property is Located off of Dinosaur Trail, South of I-25, within the Community College District, within Section 17, Township 16 North, Range 9 East, NMPM, Santa Fe County (Commission District 5). (Approved 4-0) Vicente Archuleta, Case Manager.**

**III. Action Items**

- A. Items From Consent Agenda Requiring Extended Discussion / Consideration – There were none.**
- B. Appointments/Reappointments/Resignations**
  - 2. Appointment of One Member to the County Development Review Committee from Commission District 1. (Growth**

**Management/Vicki Lucero)**

CHAIR ANAYA: Ms. Lucero.

VICKI LUCERO (Building and Development Service Manager): Thank you, Mr. Chair. We are requesting the appointment of one member to the CDRC from Commission District 1. We received a letter of interest and a resume from a resident in Commission district 1 who is interested in serving and his name is Leroy Lopez. His resume is included in Exhibit B of your packet and staff would recommend that Leroy Lopez be appointed to the CDRC to serve a two-year term expiring in January 2017.

CHAIR ANAYA: Commissioner Roybal.

COMMISSIONER ROYBAL: I move for approval.

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: There's a motion from Commissioner Roybal and a second from Commissioner Stefanics. Any further discussion?

**The motion passed by unanimous [5-0] voice vote.**

CHAIR ANAYA: Thank you, Vicki.

MS. LUCERO: Thank you.

**1. Resolution No. 2015-27, A Resolution Appointing Three Members and Two Alternates to the Board of Registration. (Clerk/Geraldine Salazar)**

CHAIR ANAYA: Madame Clerk.

CLERK SALAZAR: Yes, thank you. Eric is here to address our resolution we have in front of you today.

CHAIR ANAYA: Eric, the floor is yours.

ERIC BARRAZA (Bureau of Elections): Good afternoon, Chairman Anaya, members of the Commission. Pursuant to State statute we are asking to pass by resolution appointment of three members and two alternates to the Board of Registration. The Board of Registration is responsible for the purge of inactive voters. This is done every two year, I believe and this is in accordance with state statute. And I'm open to any questions you might have.

CHAIR ANAYA: Are there any questions or comments.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: So, which members are you recommending for the members and for the alternates?

MR. BARRAZA: Chairman Anaya, Commissioner Stefanics, we don't have any recommendations. The party do nominate their – they do list their nominations and they are on Exhibit A. This is exactly the way they give them to us and we have no preference as to how you appoint the members.

COMMISSIONER STEFANICS: Mr. Chair, I understand, but usually we ask for your recommendations, so, just like we ask staff for recommendations to --



MR. BARRAZA: I would have to defer to the County Clerk.

CHAIR ANAYA: Commissioners, do you want to just take them in order of their listing?

COMMISSIONER STEFANICS: Mr. Chair, I understand there has to be three members of the different parties with one majority and then two alternates of each party; is that correct?

CLERK SALAZAR: We're supposed to have all together how many, Eric?

MR. BARRAZA: Five.

CLERK SALAZAR: Five altogether. So you need to select three and then two alternates.

COMMISSIONER STEFANICS: So, Mr. Chair, I would nominate Mr. Cliff Rees from the Democratic Party. Mr. Samuel LeDoux of the Republican Party. Ms. Donal Connolly of the Democratic Party for the three members. And for the two alternates, Ms. Julia Barnes of the Democratic Party and Mr. Ignacio Padilla from the Republican Party.

COMMISSIONER CHAVEZ: I'll second.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion and two seconds, Commissioner Chavez and Commissioner Holian. Any further discussion?

**The motion passed by unanimous [5-0] voice vote.**

**C. Miscellaneous**

- 1. Request for Release of Affordable Down Payment Assistance Lien and Option to Purchase Lien Against Property Located at 3930 Daniel, Santa Fe, New Mexico. (Affordable Housing/Steve Brugger) [See page 12]**

CHAIR ANAYA: Mr. Brugger or Mr. Robert Griego.

ROBERT GRIEGO (Planning Manager): Good afternoon, Mr. Chair, Commissioners. Robert Griego, Planning Manager. This request is for release of an affordable down payment assistance lien. On June 30, 2010, the clients Cheryl Roybal and Herman Roybal received down payment assistance from the County in the amount of \$10,000. This County assistance was made in the form of a zero percent interest deferred payment loan which is due on sale or vacating the property.

And affordable housing down payment assistance lien was executed in order to transfer the clear title to the new buyer. The seller wants to be released in exchange for the repayment of the \$10,000. These forms have been received and the release of lien in the form of Exhibit A needs to be executed.

The information is in your packet regarding the copy of the check received from the title company, the original lien and the release of the lien.

CHAIR ANAYA: Thank you, Mr. Griego. Any questions of Mr. Griego? What's the pleasure of the Board?

MR. SHAFFER: Mr. Chair, I'm sorry. If I could I think we have a couple

of staff that are not present here and I'm sorry to jump in like this. But there was a recommendation made by Deputy County Attorney Rachel Brown that the form of the release be modified so as to make it clear that this document is in fact the release that is being executed and there is no future event that is going to transpire. Robert, was Mr. Brugger able to share those suggested redlines with you? I believe there were copies that were supposed to be brought to the meeting.

MR. GRIEGO: No.

MR. SHAFFER: Mr. Chair, again, I personally apologize for the confusion but if we could postpone this action while I round those up I would very much appreciate it.

CHAIR ANAYA: That's fine we'll hold it and we'll move on to –

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I just want to clarify that this isn't going to affect the homeowner at all financially by postponing it? Oh, we're bringing it back today?

MR. SHAFFER: I'm sorry, Mr. Chair, Commissioner Stefanics, it would be momentarily.

COMMISSIONER STEFANICS: Okay, thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Thank you, Mr. Griego. We'll go to Commission issues and comments, these are non-action – actually, I'm going to go to elected officials first.

**V. Discussion/Information Items/Presentations**

**A. Matters from the Commission and Other Elected Officials**

CHAIR ANAYA: Are there any elected officials here? The last meeting and I appreciate it, Ms. Miller, we asked that we put a standing item for elected officials on the agenda. So this will be an item for elected officials to come forward to bring anything up that they so desire. So we have one elected official our clerk here, Ms. Salazar, do you have anything that you'd like to bring up?

CLERK SALAZAR: I have no items for today but I do have for the record that the resolution you passed is resolution 2015-27.

CHAIR ANAYA: Thank you, Madame Clerk and that was the resolution for appointing three members and two alternates to the Board of Registration?

CLERK SALAZAR: Correct.

CHAIR ANAYA: Thank you, Madame Clerk. So we now go to matters from the Commission. Commissioner Holian.

Ch: Thank you, Mr. Chair. I would also like to recognize the passing of Bill Baxter. He really had a wealth of knowledge about the history of our area and he was always ready to go on hikes that were organized by our Open Space staff so that he could give little interesting historical tidbits about the areas that we were seeing. About the land that the County had purchased for open space. I, myself, went on several hikes with him. One I remember to the Petroglyph Hill that was really fascinating because I got a history of the railroads in the area and then also to Mt. Chalchihuitl. That is an

interesting area because turquoise mining has been going on there for literally thousands of years. And so it was interesting to see that and to hear about the whole history and how it really – that turquoise mining actually affected all of North and South America.

So it's a real loss and I just want to let you know I'll be bringing – Commissioner Stefanics and I will be bringing forward a proclamation to honor him at a future meeting.

I also have an issue regarding the upcoming City-County meeting. And I don't know whether we should discuss it now or maybe Katherine could say whether we're going to discuss it under matters from the manager. What I wanted to do was to request that you send a letter to the Mayor and the City Manager talking about what our priorities are for discussion at the meeting. My particular priorities are the RECC, Regional Emergency Communications Center, final annexation issues and economic development and I'll let the other Commissioners say whether they have any priorities on that regard. I have also heard that the Mayor is not going to be here on the day of the meeting.

MANAGER MILLER: Mr. Chair, Commissioner Holian, I have not had a chance to confirm this with Brian but I in a meeting that Commissioner Chavez had the other day with the Mayor he commented that he was not going to be here so – this was supposed to be a joint City-County meeting so I was going to contact Brian and ask him first thing tomorrow because if we're not going to have the majority of the City Council and the Mayor there and we haven't determined an agenda for February 20<sup>th</sup> perhaps we should seek a different date because they were going to provide us with a proposed agenda and I don't have one still.

COMMISSIONER HOLIAN: Right.

CHAIR ANAYA: I'm fine with that. We can talk about – and I think just Commissioner Holian we are in concurrence and have been raising those issues on a regular basis, the items that you brought forth, and will continue to. We'll work on a future date, hopefully in the near future that works for the Commission so that we can have all five of us present. And I think we should send a respectful message that we're prepared to set a date that we can all be there and that we would go forward with a meeting hopefully with a majority of the Council and the Mayor present. Commissioner Holian, you still have the floor.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I have one other thing. I just wanted to make you aware of a group called the Alliance for Water Leaders and this is made up of elected officials from all over the country who come from communities that are on the forefront of dealing with water sustainability issues. And I was very honored both that they considered that Santa Fe was on the forefront and that I was invited to participate in this alliance. The group is going to explore, and I'm just sort of giving you a very shorthand explanation of this, but the group is going to explore quantifying the benefits of using water more sustainably. The group is going to gather data from across the country that can be used in policy decisions going forward and it's also going to be identifying barriers to be able to use water in a more sustainable way, like, funding, that's a big deal. The ultimate goal is going to be to help water agencies and utilities to expand and fund sustainable water solutions. But, in any event, the reason I am mentioning this is I'm going to a kickoff meeting on February 25<sup>th</sup> in Denver and I also want you to know that no money is being asked for from the County for any of this. It is all being funded by the Walton Family Foundation. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Holian. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. First of all I would like to send around – this is the Aging Capital Timeline [*Exhibit 1*] that our staff just provided to us and they have to submit capital outlay requests for future years by April 10<sup>th</sup>. So if you have items for your senior centers, vehicles, buildings, equipment that you want to weigh in on, please do.

The other item I wanted to bring up is that the New Mexico Association of Counties will hold a full-day board meeting in Santa Fe at the Drury Hotel this next Saturday and we will be going over all legislation related to counties and taking more formal positions. The executive committee meets weekly and we've already taken several positions and later today I have a few motions for Santa Fe County. But if anybody is interested in coming to hear, participate be there on Saturday you are more than welcome. Thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Commissioner Roybal. Commissioner Roybal, just one question. Commissioner Stefanics, what format are these requests suppose to come through? Are we supposed to do it at a meeting?

COMMISSIONER STEFANICS: Yes, there are meetings. If you look at the individual senior center meetings listed below, these are the ones that our staff has set up already to ask the seniors in their senior centers what it is they would like to have or that they need. But from my understanding it could cover refrigerators, tables and chairs, vans with handicapped lifts for wheelchairs – we have disabled vans but we only have one van for the entire county that has a lift. And it could be money for completion of a building but, again, the timing is not for this year. The timing is for the following year. I just want everybody to be aware of that since you're all invested in our seniors.

CHAIR ANAYA: So, Commissioner Stefanics, if I could suggest to you and to staff that staff roll up this entire list into a comprehensive list and that prior to the submission on April 10<sup>th</sup> we roll up all of those requests into one bundle and add anything that we might have to add or feel appropriate to add as Commissioners. Is that okay? Does that sound reasonable?

COMMISSIONER STEFANICS: Great.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Commissioner Roybal.

COMMISSIONER ROYBAL: I appreciate the information, Commissioner Stefanics. I don't have anything extra at this time.

CHAIR ANAYA: Thank you, Commissioner Roybal. Mr. Vice Chairman.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I want to – and I don't know, Commissioner Stefanics, I may be delving into your area just a little bit having to do with bill s that would affect the County. House Bill 199 as it's proposed would take away the ability for counties to regulate mining and fracking and drilling.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, that is very timely and we are going to deal with it when we get to the manager and legislation when we can take

action.

COMMISSIONER CHAVEZ: Okay, and then what about Senate Bill 184, severance tax bonds in certain counties?

COMMISSIONER STEFANICS: We have some – I have some general motions but we'll deal with any bill you want to when we get to that place on the agenda where we can do a motion.

COMMISSIONER CHAVEZ: Okay, so those are bills we want to question. Two bills that I think we need to support are House Bill 70, extend solar market development tax credit and House Bill 111 shared renewable energy facility operations.

COMMISSIONER STEFANICS: Mr. Chair, you can bring up any item you want to when we get to that place on the agenda, yes.

COMMISSIONER CHAVEZ: Okay, so I'll save those for later. I did want to make a comment about the concept that both the City and County were pursuing regarding the Public Electric Utility. The discussion really would focus on the purchase of the distribution system on. I think that was a little misleading in the public debate because we're not going to be able to by ourselves generate the electricity and by purchasing the distribution system that alone will not reduce our dependence on coal to generate the electricity. We also know that Public Service Company of New Mexico has agreed to phase out two of their generating coal-fired plants but they're doing that by shifting the cost to the rate payers because they want to recover their investment in shutting down those facilities. I don't think that is fair to the public and considering the cost in just purchasing the infrastructure to deliver the electricity, I think that is cost prohibitive considering that there are other needs that are more pressing, like the north-east south-east collection and the interchange at County Road 70 and 599. So, basically what I'm suggesting is that the debate on that I think has run its course and I'm suggesting that we pull out of that debate and spend our time and energy and financial resources on other topics and other facilities. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez. I just have one item. I wanted to thank staff and the Commission for the discussion that we held this morning in the study session relative to capital projects and recommendations that will come back to us as a Board but I appreciate the time and I appreciate the work and effort that everybody put into including the discussion we held this morning.

I don't have any other items at this time. Right now I'd like to go back to the item associated with the down payment lien option.

1. **Request for Release of Affordable Down Payment Assistance Lien and Option to Purchase Lien Against Property Located at 3930 Daniel, Santa Fe, New Mexico**  
*[Exhibit 2: Redline Release of Lien]*

CHAIR ANAYA: Mr. Shaffer.

MR. SHAFFER: Mr. Chair, thank you. With respect to the proposed revisions to the form of release, what I have just passed out and have provided to the recorder is a redline document that shows some stylistic and substantive changes to the

version of the release in your packet. At the highest level what the proposed changes do are number one, recite the fact that the \$10,000 has already been received as reflected by the check from the title company, that is in the Board's packet. And, secondly, it makes clear that it is this document that is in fact releasing the affordable down payment assistance lien and option to purchase so that once this is, in fact, recorded the affordable down payment assistance lien and option to purchase would be fully released. With that I would stand for any questions.

CHAIR ANAYA: Are there any questions or comments of Mr. Shaffer based on the changes. What's the pleasure of the Board.

COMMISSIONER CHAVEZ: Mr. Chair, I'll move for approval of – let me see, this is not a resolution. It is just an approval to release a lien on this property located at 3930 Daniel Street, here in Santa Fe, New Mexico.

CHAIR ANAYA: There's a motion from the Vice Chairman. Is there a second?

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: Second from Commissioner Holian. Any further discussion?

**The motion passed by 4-0 voice vote. Commissioner Roybal was not present for this action.**

#### **IV. Matters of Public Concern**

None were presented.

#### **V. B. Matters From The County Manager**

##### **1. Legislative Update**

##### **a. Discussion of, Direction on, and Possible Vote of Support for or Opposition to Proposed or Pending Bills. (Possible Action Item) [*Exhibit 3: 2015 Legislative Report*]**

MANAGER MILLER: Mr. Chair, while Tony and staff getting prepared I'll give you a couple little quick updates. One, I just wanted to note years of service for Santa Fe County employees in January that I neglected to do at the end of January. I Just want to say that we had several employees that hit 5, 10, and 15 years of service. Joshua David from the Sheriff's Office, Sheriff Deputy with five years of service. Robert Egan from Fire, is a firefighter paramedic, five years of service. Ambra Garcia in the County Manager's Office, five years. Nestor Garcia, Eutimio Ortiz and Shannon Van Meir all from fire, they are firefighters, EMTs, paramedics, five years. Brittany Lovato in the Assessor's, an appraiser, five years. Christopher Narvaez, Public Works, vehicle mechanic lead, 10 years. Paul Casaus in Public Works, utilities engineering associate, 15 years and those are the individuals who had years of service recognition last month that I neglected to mention last month.

And now I think they're ready so I'll turn it over to them for the legislative update

and then I just have a couple of others before we go the jail inspection.

CHAIR ANAYA: Thank you and before we go to you, Mr. Flores, Ms. Miller maybe you and I could talk about a time that works for the Commission as a whole where we might bring back those people that we are acknowledging for their years of service. I think it is definitely an awesome thing when you have the employees that we have here at Santa Fe County and especially those employees with longevity and that are here year after year dedicating their service to the citizens and their colleagues here at the County. So I thank each and every one of them. And we can visit, you and I, and then collectively with the Commission about options about maybe to have a presentation of awards collectively for people that we honor at the County throughout the year.

Mr. Flores.

MR. FLORES: Thank you, Mr. Chair. Tony Flores with the County Manager's Office. The excellent legislative team of primarily Hvtce and Tessa Jo have put together this biweekly legislative report and it's been retooled per se to look at legislation and corresponding legislation of actions that the Board of County Commissioners has actually taken as well as silo off pieces of legislation in what we call subject matters or subject topics for the Board to look at.

Just some brief introductions. February 19<sup>th</sup> is the deadline for introductions and that date is quickly coming upon us, that's actually next Thursday. The session will end on March 21<sup>st</sup>. The capital outlay requests are due no later than 5 p.m., Monday, February 16<sup>th</sup> so that is less than a week away. We have submitted all of the capital outlay requests that the Board has directed us to do. In addition we are working with some homeowner associations and groups to make sure there is not a duplication of efforts on either our part or their part on legislative that they were seeking independent of the County which would ultimately come to us.

We have a little over 1,000 bills that have been introduced as of this morning. Only 59 of them have actually gone through the first house, two of them through the second house and only one of them has been signed into law. If you flip over to page three of the presentation that was handed out [*Exhibit 3*] this is what I was referring to when it comes to resolutions that the Board has actually adopted and those correlate in bills. For instance Resolution 2014-135 which was in support of New Mexico growing fresh fruits and vegetables for school meals, we have Senate Bill 415 and House Bill 96 that are moving along and then we provided a history or synopsis of where those bills stand today. Again, this is a snapshot in time as of this morning, so I'm sure things have changed since then.

And it goes down the line including the resolution to support the Association of Counties regarding the amendments to the Indigent Hospital and Healthcare Act. There was some movement in that over the weekend. This past weekend was what I would consider the first weekend of the session when it really got started because there were quite a few pieces of legislation that are going through committee.

I won't go through all of them but those are individual resolutions that the Commission has directed staff to follow or in support of a piece of legislation.

If we could flip to page 8, and this is fluid in respect that if the Commission directs us to identify more silos or topics then we can add those in. We can modify our tracking and then we can modify our report so that we come back up on the 24<sup>th</sup> you will

have an updated list of any subject or topics that the Board would like us to provide some briefings on. We broke those into driver's licenses, 3<sup>rd</sup> grade promotion, any bills dealing with film, minimum wage, pay day loans specific to interest rates, right to work, oil and gas, and marijuana and hemp. The way the report is structured, if you turn to page 9 under driver's licenses we have four pieces of legislation that are currently being tracked by County staff, House Bill 32, 79, 117 and Senate Bill 85 that deal with different components of driver's license. Everything from two-tier driver's license for nationals and then House Bill 1177 and Senate Bill 85 they're dealing with suspension or truant individuals from school.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER CHAVEZ: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I'm ready to make some motions about topics that would cover a variety of bills.

COMMISSIONER CHAVEZ: Okay.

COMMISSIONER STEFANICS: And these are motions for a vote so I don't know if they'll pass or not. Number one, I would like to have the Santa Fe County Commission oppose elimination of immigrant driver's licenses.

COMMISSIONER HOLIAN: Second.

COMMISSIONER STEFANICS: And I would so move.

COMMISSIONER CHAVEZ: There's a motion and second. Any discussion?

CHAIR ANAYA: Commissioner.

COMMISSIONER CHAVEZ: Yes, go ahead, Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics, it's my understanding that there was multiple requests to have a tiered system and those tiered systems were shot down; is that my correct understanding?

COMMISSIONER STEFANICS: There on page 9 there are several bills listed and my motion strictly goes to no elimination of driver's licenses. If a two-tiered system were to be moved along we would not be opposing that. We would be opposing the elimination of driver's licenses.

CHAIR ANAYA: I appreciate that clarification because my record in the past was in support of a multi-tiered system so I'm good. Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: So we have a motion and second.

**The motion passed by unanimous [5-0] voice vote.**

COMMISSIONER STEFANICS: Okay, so the next one I have, Mr. Chair, is to oppose all bills that preempt authority of local governments and that's a motion. And I'll do the mining, drilling, fracking later.

COMMISSIONER HOLIAN: Second.

COMMISSIONER CHAVEZ: There's a motion and a second. Any discussion?

**The motion passed by unanimous [5-0] voice vote.**



COMMISSIONER CHAVEZ: Motion carries. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I would move to support a cap on pay day loans to 35 percent or less.

COMMISSIONER HOLIAN: Second.

COMMISSIONER CHAVEZ: There's a motion and a second. This will cap pay day loans at – what was that again, Commissioner?

COMMISSIONER STEFANICS: Thirty six percent or less.

CHAIR ANAYA: On discussion, Mr. Chair.

COMMISSIONER CHAVEZ: Discussion – go ahead.

CHAIR ANAYA: Commissioner Stefanics, I really applaud the motion. Having been in housing as yourself for many, many years I would even be amenable to looking at lower over time. But I just want to make that comment on the record. These loans are a direct hindrance on those people that are in the least position to pay them and get taken to the cleaners for lack of a better word. So I would say that on the record, thank you.

COMMISSIONER STEFANICS: Thank you.

COMMISSIONER CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: No, I moved it.

COMMISSIONER CHAVEZ: There is a motion and a second. That was discussion, sorry. All those in favor.

**The motion passed by unanimous [5-0] voice vote.**

COMMISSIONER STEFANICS: Mr. Chair, I would move that Santa Fe County Commission oppose all bills removing any sources of funding from local governments.

COMMISSIONER HOLIAN: Second.

COMMISSIONER CHAVEZ: Motion and a second; discussion. Seeing none –

**The motion passed by unanimous [5-0] voice vote.**

COMMISSIONER STEFANICS: This last one I have is similar to another one but is specifically to oppose bills that preempt local governments in making decisions about drilling, mining and fracking.

COMMISSIONER HOLIAN: Second.

COMMISSIONER CHAVEZ: Motion and a second. Discussion? Commissioner Anaya. Okay, seeing no discussion –

**The motion passed by unanimous [5-0] voice vote.**

COMMISSIONER CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: No, I'm finished. There might be others.

COMMISSIONER CHAVEZ: Okay so if I could, Mr. Chair. There's two

other bills that were on my list, Commissioner Stefanics. It's House Bill 70 and that would extend the solar market development tax credit. House Bill 70 would extend the existing 10 percent tax credit for the installation of commercial, residential and agricultural solar systems which is set to expire December 31, 2016. This 10 percent tax credit has helped many New Mexicans invest in solar energy for their homes, businesses and farms reducing the demands for coal fired electricity which improve the environment and public health. And Commissioner Anaya I would argue that 10 percent tax credit in this case is not enough. But I think it's a good start and it does incrementally move us away from coal fired electricity to a more sustainable type of generation.

CHAIR ANAYA: If you want to go ahead and put in the form of a motion then we can vote on it.

COMMISSIONER CHAVEZ: So moved.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: Motion and a second from Commissioner Holian to maintain the 10 percent credit –

COMMISSIONER CHAVEZ: Tax credit for the installation of solar.

CHAIR ANAYA: Any further discussion on that item?

**The motion passed by unanimous [5-0] voice vote.**

COMMISSIONER CHAVEZ: House Bill 111, shared renewable energy facility operations, this bill would authorize community solar or other shared renewable projects where customers can jointly invest in a project that realizes economies of scale and offers benefits of clean energy and utility bill savings to a broader range of New Mexicans. I would make a motion to support that bill as well.

COMMISSIONER HOLIAN: Second.

Cs: Motion to support – and if you'll give me the bill number again.

COMMISSIONER CHAVEZ: It's House Bill 111.

CHAIR ANAYA: Motion to support House Bill 111 and a second by Commissioner Holian. Any further discussion?

**The motion passed by unanimous [5-0] voice vote.**

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. On page 11 and 12 we have minimum wage and I would really like to support efforts that are underway be Senator Varela and Senator – or Representative Garcia. These both have to do with increasing the hourly rate for workers and then – so that's House Bill 20. And that's minimum wage hourly rate increase. And I would move that we support that one.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: Motion to support House Bill 20 and a second from Commissioner Holian. Any further discussion?

COMMISSIONER CHAVEZ: The only think I would add is that it would raise the state minimum hourly wage for an employee from \$7.50 to \$10.10 an hour.

CHAIR ANAYA: Any further discussion?

**The motion passed by unanimous [5-0] voice vote.**

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. House Bill 138 hikes minimum wage and this is of real interest to me because it raises over three years the New Mexico base minimum wage to 10.10 an hour starting January 1, 2016, indexes the minimum wage annually for inflation and sets the minimum wage for tipped employees at 40 percent of the general minimum wage. I think that's a direction that we need to go in and I would ask – I would make a motion to support that bill as well.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: Motion to support House Bill 138, did I get that right?

COMMISSIONER CHAVEZ: Yes, sir, 138.

CHAIR ANAYA: Second from Commissioner Holian. Any further discussion?

**The motion passed by [4-0] voice vote.** Commissioner Roybal was not present for this action.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: That's all I have, Mr. Chair, thank you.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I have one issue. This is actually fairly new to me and was just brought to my attention rather recently and it has to do with methane or natural gas flaring in New Mexico and there's some important points. First of all in New Mexico we do a great deal of flaring especially in the Four Corners region. As a matter of fact, 45 percent of all permits for flaring in the country go to New Mexico. And this has consequences. First of all it has created a huge methane cloud in the Four Corners area which is not a healthy thing but also maybe more to the point it is a waste of a resource because about 90 percent of that actually could be recovered and it's been estimated that \$42.7 million has been lost in royalty revenue to New Mexico since 2009. Senator Benny Shendo is sponsoring Senate Memorial 29 which asks the departments of DFA, Indian Affairs, the Environment and EMNRD to investigate the impacts of this practice including the economic impacts, the environmental impacts and the cultural impacts.

So I would like to make a motion that we support Senate Memorial 29.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: There's a motion from Commissioner Holian and a second from Commissioner Chavez to support Senate Memorial 29. Any further discussion? I would just have a comment, Commissioner Chavez. I think it's important that we investigate opportunities of the use of that fuel but I also would ask that we be cautious about that particular economy right now. They suffered a tremendous cut in the amount of work they doing that generates their highest amount of economic development in that region. In fact, probably the biggest county manager and county commission with

the broadest challenge in the last five years has been San Juan County. So, I think natural gas is one of the best sources that we have for fuel in New Mexico and I think we need to learn more about how to use it all as opposed to burning it off which is essentially what you're talking about.

And, I think just another point, in this country we burn off more fuel not just in New Mexico but across the country then we utilize in many ways, in North Dakota and South Dakota regions. So whatever opportunities we can have to utilize that I think is important for all of us maintaining that we have to be cognizant of the value that that industry provides for that particular economy.

So there's a motion and a second. Any further discussion?

**The motion passed by 4-0 voice vote.** Commissioner Roybal was not present for this action.

CHAIR ANAYA: Other items, Commissioner?

COMMISSIONER HOLIAN: No.

**V. B. 2. Miscellaneous Updates**

CHAIR ANAYA: Ms. Miller, do we have other items that you'd like to bring up at this time?

MANAGER MILLER: Mr. Chair, Commissioners, yes, real quickly. I did a little checking and I do have a meeting tomorrow with the City Manager about the potential joint City-County meeting so I would ask that you still hold, the three Commissioners that were available, still hold February 20<sup>th</sup>, 11 to 1. Although I have a gut feeling that that will probably be cancelled. I did find out the Mayor will be in attendance but right now they only have confirmation of three councilors so they don't have a quorum of the City Council. And additionally, as I said, they didn't give me any new suggestions on an agenda so I will confirm all of that but I would just ask that you not cancel for the three that were available, not cancel yet until I can get confirmation that they definitely aren't going to have a quorum.

Then FY16 budget preparation, we are currently finishing up the midyear budget reviews and we will be bringing any action in front of the Commission most likely at the end of the month meeting. And, although, I would like to say that the departments and elected officials' offices have done quite well managing their budget so I do not think you will see much in the way of any budget adjustments. And then we will be kicking off the FY16 budget meetings internally with staff February 23<sup>rd</sup> and then we will be working with the Commission and your schedules to set up our series of budget study sessions through – probably starting the beginning of April, May and June.

Then also I wanted to point out the 2015 Santa Fe County Fire Department cadet graduation ceremony was cancelled. It was going to be the Saturday that it snowed but it has been rescheduled for this Thursday, February 12<sup>th</sup> at 6:30 at IAIA and we have five graduates and I'll just name them: Norbu Francis, Connor Lino, Clarence Romero, Justin Sena and Greg Sower that will be graduating in our Fire Cadet Program on Thursday.

And then one last item. I just wanted to let you know our worker's compensation

coverage as you know is through the Association of Counties and NMAC Pool. It is up for renewal on July 1<sup>st</sup>. Part of the agreement that we do have with Daniels – we will be requesting Daniels to research alternative bids as well as bids from the NMAC pool just to do our due diligence on our worker's compensation coverage. And I just wanted to let you know we'd be doing that unless you have other direction on that.

And that concludes all of my items.

CHAIR ANAYA: Thank you, Ms. Miller. We've concluded the majority of business. I would ask the Warden if he would come forward, Mr. Caldwell.

**VII. Site Visit and Inspection of the County Adult Detention Facility Pursuant to NMSA 1978, § 33-3-4.** (The Board of County Commissioners will temporarily recess its regular meeting to travel to and from and inspect the facility.

CHAIR ANAYA: I would ask the Warden if he would come forward, Mr. Caldwell. Under item seven, site visit and inspection of the County Adult Detention Facility pursuant to NMSA 1978, 33-3-4. We're going to adjourn briefly to travel to the Adult Detention and Youth Detention facilities to inspect the facilities which is an annual requirement. And I would like if you would, Mr. Caldwell, if you will just provide a brief synopsis of what the statute says and what we will be doing pursuant to the statute in our youth and adult facilities, I would appreciate it.

WARDEN CALDWELL: Yes, sir, Mr. Chair, Commissioners. What we'll do and it's your preference whether you want to stop at the youth facility first or do that on the way back, however, at each what we plan to do as a group is go ahead and show you our main service areas which at the adult will consist of we would show you master control, our medical area, our booking, our kitchen operation, maintenance and warehouse if you would like and of course we would like to show you a couple of the housing units. And, again, that would be replicated at the juvenile facility.

CHAIR ANAYA: And, Mr. Caldwell, that's a statutory requirement and we do so in order to first hand as Commissioners see it and better understand what's happening in the facility and at that time raise any questions we might have about the operations or anything that you might present to us as we're taking that tour, correct?

WARDEN CALDWELL: Mr. Chair, yes, sir, that is correct. And again any questions you have for us and anything we can answer we'd be happy to do so.

CHAIR ANAYA: Thank you, Mr. Caldwell. Commissioner Chavez, Mr. Vice Chair.

COMMISSIONER CHAVEZ: So, thank you, Mr. Chair. So I think we need to make a motion to recess our BCC meeting for that annual inspection.

CHAIR ANAYA: That's correct.

COMMISSIONER CHAVEZ: So moved.

CHAIR ANAYA: Motion from Vice Chair Chavez. Is there a second?

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: Second from Commissioner Holian and Commissioner Stefanics.

MANAGER MILLER: Mr. Chair, real quick. Could I make one comment before – I just want to say we will only be going to the adult due to time

constraints. But we will do the juvenile on another date.

CHAIR ANAYA: Excellent. Thank you, Ms. Miller. We'll do the youth facility on a different day.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Are we traveling in County vehicles or driving separately or what's the arrangement?

MANAGER MILLER: Mr. Chair, we do have transportation for the Commission.

CHAIR ANAYA: Thank you. Any questions or comments?

**The motion passed by unanimous [5-0] voice vote.**

[The Commission recessed from 3:45 – 6:20 p.m.]

COMMISSIONER CHAVEZ: I move to return from recess.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion from Vice Chair Chavez and second from Commissioner Holian to reconvene.

**The motion passed by unanimous [5-0] voice vote.**

## **VIII. Public Hearings**

### **A. Ordinances**

#### **1. Ordinance No. 2015-2, An Ordinance Amending Ordinance No. 2012-1 Pertaining to the Affordability Lien that is Executed and Recorded at the Time of Closing of an Affordable Home Sale. (Affordable Housing/Steve Brugger) (Second and Final Public Hearing; Possible Action Item)**

STEVEN BRUGGER (Affordable Housing Administrator): Mr. Chair. Commissioners, this is the second of two public hearings. I won't go over the pros and cons we went over in the first public hearing. What I would say is that a change from the information that you previously received was staff response to some of the issues that had come up at the first public hearing relating to what happens when a household is under water, who monitors the program. So I would stand for any questions on that. I did want to say we had put in a second version of the ordinance to address, which is Exhibit B, to address one of the issues that came up in the first public hearing which was what happens when someone who has executed a purchase contract for an affordable home before potentially enactment of this ordinance, what happens to them? Is their lien forgiven? The way it is in Ordinance 2012-1 or would it be subject to this ordinance amendment? So Exhibit B the alternative ordinance, which is what staff recommends, put in a new section 2 stating this amendment shall not apply to the affordable mortgage or lien placed on the affordable unit of any affordable buyer who has executed a contract to purchase an affordable unit prior to the date that this ordinance was adopted. That seems like a

reasonable compromise there. To our knowledge there are now up to three purchase contracts, at least income certifications, possibly contracts that may be in this situation. So we recommend that alternative.

With that I'll stand for any questions.

CHAIR ANAYA: Thank you, Mr. Brugger. We've had numerous questions associated with this item. We even had some testimony at the last meeting relative to the existing ordinance and leaving it the same.

This is a public hearing. I'm going to go to the public right now. Is there anybody here who would like to make additional comments regarding this mortgage? The essence of it is that we have a deferred mortgage in place right now that defers one year over a ten year period of time to zero. This would remove that essentially where that mortgage would stay in place perpetually and would be due on sale. So that's a summary of what this ordinance would do.

Is there anybody here that would like to comment on this ordinance? Mr. Sommer.

KARL SOMMER: Mr. Chair, yes, I will be brief. My name is Karl Sommer. My mailing address is Post Office Box 2476, Santa Fe, New Mexico, 87504.

Members of the Commission I am here tonight I represent La Pradera and the principals are Alexis Girard, Bobby Lee Trujillo and John McCarthy are here with us. We support the change that you're talking about to the ordinance for the clarifications. We also support the staff's memo that says this Board ought to look into and bring back other amendments related to alternative means of compliance. I think that this ordinance needs to be amended in the accordance with what's in front of you tonight for clarification purposes and for reasons that staff has stated.

We also think that the Board needs to look at two things, and our request tonight really is that this Board look at two things. One, a broader meaning of your ordinance and its applicability in the affordable housing arena because we're dealing with a different reality today as a result of what has happened over the last eight years. And then the second thing is that when you bring forward as the staff I believe is working on, alternative means of compliance that you take into consideration what has happened over the last four or five years and let me be specific about both of those things. Today we have a reality related to interest rates, purchase prices that make your current ordinance, not just the liens and that sort of thing, very difficult to justify because prices have dropped. Interest rates have dropped. Affordability means something different today. Except the imposition of the ordinance has not changed. So we support any changes that will look at that broader picture.

The second thing is over the course of the last four years La Pradera during a time in which many developments went out of business. Many other developers barely stayed in business. They with a handful of others were able to stay in business and produce affordable housing. Under your own ordinance they have complied with their agreement and they're ahead of schedule on their affordable housing. In addition, and what we're really asking for is for you all to look at a way for La Pradera to receive credit in an alternative means of compliance in a fashion that would take into account the 25 other homes outside your ordinance that they have produced affordable housing through a partnership with the Santa Fe Community Housing Trust which as you all know is a local

non-profit whose mission it is is to place low income, moderate income families into housing that they can afford.

Your ordinance as it stands right now has four basic features and that is income qualified families. You want people who are some percentage of the area median income who find it hard to afford houses in Santa Fe. So income qualifications. The second is you want them to have quality housing. Not housing that is substandard or somehow less than other people who are living in our society in the middle class. Third, you want there to be this lien that you all are working so that there is a long term affordability that the money stays cycled in. And, then, finally your ordinance looks at a price point. I'd like to talk, just briefly, about why the alternative means of compliance for La Pradera in this particular instance is important. The Santa Fe Community Housing Trust has been able, with in partnership with them, to qualify 25 low to moderate income families. So that element of your ordinance has been met. The second thing is that they placed them in housing that exceeds in terms of its characteristics, your requirements of your affordable housing. Third, while the lien that was placed on these properties does not come back to the County it gets cycled back into a non-profit whose mission it is is to place people in affordable housing with low interest loans, seconds, soft seconds, down payments assistance – so the idea that you would make this money available in the affordable housing arena has been met.

And then finally you're dealing with price point and that's the port that over the last several years that we think that you should look at in terms of this alternative means of compliance. Price point really is almost arbitrary because if you find a family that is qualified from an income standpoint and gets into a house that they can afford, whatever that price point actually is, you have achieved your goal. And when you come to alternative means of compliance I ask that you look at those four things. I ask that you ask staff to look at them and work with us to develop perhaps a legislative fix for us to make an application that would allow this Commission to take that into account.

So we support the staff's amendment. We support their memo and their promise to you to bring back these alternative means and we ask that you have them meet with us to work on this particular aspect of the ordinance. The time is now to get this done. There are a handful of people that it applies to; some of them testified last time. And I appreciate your time and attention that you're giving to this issue and we would stand for any questions you might have.

CHAIR ANAYA: Thank you, Mr. Sommer. Are there any other individuals that would like to come forward in this public hearing? I'm going to go ahead and close the public hearing. What's the pleasure of the Board?

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I'm going to make a motion to approve Ordinance number – well, it's not numbered, but it's an ordinance amending Ordinance 2012-1, pertaining to the affordability lien that is executed and recorded at the time of closing of an affordable home sale and that is exhibit B in our packet. And it does have the amended section 2 that was reference earlier.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion from Vice Chair Chavez. A second



Commissioner Holian. Discussion? Seeing none from my colleagues, I do have a few brief comments. I have made by perspective known on this particular item. I have a different perspective on this particular matter relative to affordability and the lien itself. I think there was at least one gentleman who raised this item at the last meeting. Speaking to the opportunity, the lien deferral over 10 years gives to an individual homebuyer and it gives them an opportunity not only get in the house but sustain an opportunity to keep the equity over the period of 10 years and maybe in turn turn it back into another property rather than perpetually keeping the lien on the books. So I'm just going to respectfully make that point know once again on the record.

Relative to the comments that were made by Mr. Sommer, I think it is important that staff work with all the entities that are under the auspices of the affordable housing agreement to take into consideration their perspective and if there's any proposed possible amendments that all of them collectively be communicated with before any recommendations come to us. And so I would ask that we would do that.

So there's a motion and a second. I see no further discussion.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I just want to make sort of a general comment that I think actually it is a good time now to look at the broader picture regarding affordable housing because conditions have changed. They have changed dramatically over the six years I've been in office so I don't think it's a bad idea to look at where are we now. You know, what is the continued need that is out there at this time and how do we best achieve effective help to people who need help with affordable housing. So I'm in favor of doing some investigation and having further discussions. And bringing everybody in to the discussion in the community who has a stake in this.

CHAIR ANAYA: Thank you, Commissioner Holian. Other comments.  
This will be a roll call.

Clerk Salazar conducted roll call vote:

<b>Chair Anaya</b>	<b>No</b>
<b>Commissioner Chavez</b>	<b>Aye</b>
<b>Commissioner Holian</b>	<b>Aye</b>
<b>Commissioner Roybal</b>	<b>Aye</b>
<b>Commissioner Stefanics</b>	<b>Aye</b>

**The Ordinance passed by majority [4-1] roll call vote.**

**B. Land Use Cases (Possible Action Items)**

- 1. BCC CASE # PCEV 14-5410 Richard Berman Vacation of Easement. Richard Berman, Applicant, (Paramount Surveys, Inc.) Paul Rodriguez, Agent, Request Approval to Vacate Three (3) Platted Drainage Easements on One Lot Totaling 1.397 Acres. The Property is Located at 35 Blue Canyon Way, within Section 20, Township 17 North, Range 9 East,**

**(Commission District 2). Miguel “Mike” Romero, Case Manager.**

MIGUEL ROMERO (Case Manager): The subject property was created through a Family Transfer/Land Division on March 6, 1998 and is considered a legal lot of record. The Applicant acquired the real property by warranty deed recorded as instrument 1712040 in the Santa Fe County Clerk’s records on the 15<sup>th</sup> day of July 2013.

The subject property has an accessory structure that was permitted by the previous property owner as permit #05-1197. Currently, there is no dwelling unit on the subject property. The Applicant requests to vacate three platted drainage easements that run east to west through the property. The three drainage easements were created by a previous plat titled Plat of Survey for Jose A. Martinez , which was recorded in the Santa Fe County Clerk’s Office on the 29th day of January 1991.

The plat, Plat of Survey for Jose A. Martinez was approved by the Extraterritorial Zoning Commission, EZC, and the Santa Fe County Land Use Administrator. The plat also reflects other drainage easements on separate properties that border the subject property to the north and south. However, none of these other drainage easements tie into the three drainage easements being vacated. No prior plats were located for this easement. The lots that border east and west of the subject property do not show drainage easements on their recorded survey plats. The Applicant requests to have the three drainage easements vacated to acquire buildable area.

The Applicant has provided a Drainage Analysis, prepared by Jorge Gonzalez concluding that the three drainage easements are small with peak flows of five cubic feet per second or less. Ordinance 2008-10 requires setbacks where drainage is 25cfs or greater. The Applicant’s drainage report shows that the flows in these areas are less; therefore, the flow would not need to be identified in a drainage easement. The drainage easements do not continue on to the adjacent properties. Based on the Drainage Analysis submitted peak flows within the property are insignificant. Therefore, there will be no impact to the neighboring properties if the drainage easements were to be vacated.

The Applicant has provided sufficient noticing by providing notice to the *New Mexican*, which was published on November 18, 2014. The Applicant has also provided certified mail receipts and certification of posting acknowledgment that the public notice has been posted for 21 days on the property.

Staff Recommendation: Approval to vacate three platted drainage easements on one lot totaling 1.397 acres based on the Drainage Analysis submitted; subject to the following condition. May I enter that into the record?

CHAIR ANAYA: You may.

Condition:

1. The Applicant shall file the portion of the Final Plat (Tract F-1) affected by the vacated easements with the County Clerk’s Office within 90 days of recording the order granting the vacation of easement or the approval will be null and void. (As per Article V § 5.7.3)

MR. ROMERO: I stand for any questions?

CHAIR ANAYA: Is there any questions of staff? Is the applicant presented. If you’d like to come forward, sir? If you guys would like to raise your right

hand and be sworn.

[Duly sworn, Paul Rodriguez testified as follows]

CHAIR ANAYA: Thank you. Is there anything you'd like to add to the presentation, Mr. Rodriguez? It's good to see you.

PAUL RODRIGUEZ: How are you?

CHAIR ANAYA: Good.

MR. RODRIGUEZ: No, nothing we'd like to add. We've met with staff and they were very helpful in getting this prepared for this meeting. We stand for questioning and we agree with County recommendation and we're ready to move forward.

CHAIR ANAYA: Excellent, thank you. This is a public hearing and I'm going to go ahead and open the public hearing. Is there anybody here that would like to speak in favor of against this particular application before us, this case? Anybody here that would like to speak in favor or against this particular case? Seeing none, the public hearing is closed. What's the pleasure of the Board?

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez, Mr. Vice Chair.

COMMISSIONER CHAVEZ: I'd like to make a motion to approve the request to vacate three drainage easements on this lot totaling 1.397 acres.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's motion by Commissioner Chavez.

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: Second by Commissioner Roybal. Is there any further discussion? Vicki, did you have something?

MS. LUCERO: Mr. Chair, I just wanted to see if the motion included the staff condition?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER ROYBAL: Yes.

CHAIR ANAYA: Motion includes staff condition, seconder, Commissioner Roybal.

**The motion passed by unanimous [5-0] voice vote .**

2. **BCC CASE #MIS 15-5020 Craft, LLC D/B/A Café Fina Beer & Wine License. Craft, LLC D/B/A Café Fina, Applicant, Request Approval for a Restaurant Beer and Wine Liquor License. The Property is Located at 624 Old Las Vegas Highway, Near Ellis Ranch Road, within Section 3, Township 15 North, Range 10 East, (Commission District 4). John M. Salazar, Case Manager.**

JOHN SALAZAR (Case Manager): Thank you, Mr. Chair, Commissioners. Craft, LLC, doing business as Café Fina Applicant requests approval for a restaurant Beer and Wine Liquor License. The Property is located at 624 Old Las Vegas Highway, near Ellis Ranch Road, within Section 3, Township 15 North, Range 10 East,

Commission district 4. This property is acknowledged by Santa Fe County as a legal non-conforming commercial property for restaurant and/or food service. An administrative development for the prior establishment known as Station Café and Restaurant was approved and recorded with conditions in 2008.

Ordinance 2005-08 designates this site as neighborhood mixed-use which allows for beer and wine to be served in a restaurant as permitted use. This application was submitted on January 5, 2015 and staff recommends approval of a beer and wine license to relocate at 624 Old Las Vegas Highway.

I'll stand for questions, Mr. Chair.

CHAIR ANAYA: Thank you, Mr. Salazar. Any questions of Mr. Salazar? Seeing none, this is a public hearing, is there anybody here that would like to speak in favor or against this particular case, this beer and wine license? Is there anybody here that would be like to speak in favor or against this license? Is the applicant present? Come on forward, sir. You can be sworn in.

[Duly sworn, Murphy O'Brien testified as follows]

CHAIR ANAYA: Mr. Murphy O'Brien, do you have anything you'd like to add?

MR. O'BRIEN: No.

CHAIR ANAYA: Any questions of the applicant? Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I am very pleased to move for approval of BCC Case MIS15-5020, since this restaurant is the closest restaurant to where I live and it's one of my favorite restaurants in Santa Fe.

COMMISSIONER STEFANICS: Mr. Chair, I'll second after the public hearing.

CHAIR ANAYA: There's a motion and there's a second and we'll hold that. I would concur that this is a very good and professionally run establishment with excellent food. So this will just augment the business even further.

So was there anybody who would like to speak in favor or against this particular application? Seeing none, the public hearing is closed.

There is a motion and a second. Any further discussion?

**The motion passed by unanimous [5-0] voice vote.**

3. **CDRC CASE # Z 06-5033 Village at Galisteo Basin Preserve ("Trenza") Master Plan Amendment.**  
TABLED AT AGENDA

4. **CDRC CASE # Z/PDP/FDP 14-5380 PNM Santa Fe County Solar Energy Center Project. Public Service Company of New Mexico, Applicant, Laurie Moyer, Agent, Request Master Plan Zoning, Preliminary and Final Development Plan Approval to Allow a 10 Megawatt Electric Solar Facility on a 100 Acre Site. The Property is Located South of The National Guard Site and Takes Access via the East I-25 Frontage Road, within Sections 3 & 4, Township 15 North, Range 8 East, (Commission District**

**5). Jose E. Larrañaga, Case Manager.**

JOSE LARRAÑAGA: Thank you, Mr. Chair. Public Service Company of New Mexico, Applicant, Laurie Moye, Agent, Request Master Plan Zoning, Preliminary and Final Development Plan Approval to allow a 10 megawatt electric solar facility on a 100 acre site. The property is located south of The National Guard site and takes access via the East I-25 Frontage Road, within Sections 3 & 4, Township 15 North, Range 8 East, Commission District 5.

On December 18, 2014, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of the Applicants request for Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 10 megawatt electric Solar Facility on a 100 acre site, with staff conditions by a unanimous 6-0 voice vote.

Public Service Company of New Mexico is requesting Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 10 megawatt tracking solar electric generating facility on a 100 acre site. The solar panels are tracking panels which will be configured together in long rows which will be oriented north-south. Each row of panels are approximately 210 feet in length, and will rotate together, making adjustments as the panels move to track the sun east to west. The solar modules will be mounted on a ground mounted rack. The height of the top of the panels at full-rotation will not exceed seven feet from the natural grade. A distribution line will be extended to the site for the delivery of the electricity being generated by the facility. For safety and security reasons the facility will be enclosed by a chain link fence with three strands of barbed wire, eight feet in total height.

The Applicant states, the solar generating facility is needed to meet PNM's 2015 Renewable Energy Plan. The project is part of a utility distribution system for utility use for the greater public good and for the health, safety and welfare of the residents of Santa Fe County and will provide the community with a source of clean, renewable energy to support growth and economic development in the area.

The Applicant has submitted a subsequent letter and drawings in response to staff and review agency comments. The Applicant states that typically there are 4,000 panels per megawatt, therefore the proposed 10 megawatt site will contain approximately 40,000 panels and will encompass approximately 75 acres of the 100 acre site. The site will also house five power converters and one switchgear facility.

On October 28, 2014, the Applicant held an open house to discuss the proposed development. Notice was sent to 67 adjacent property owners and three attended the meeting. The Applicant states that concerns of the individuals who attended the open house were primarily related to uncertainty as to what the facilities would look like and visibility of the site.

Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan Zoning, Preliminary and Final Development Plan; the Application is comprehensive in establishing the scope of the project; the proposed use is in compliance with the uses associated with Other Development; and the Application satisfies the submittal requirements set forth in the Land Development Code.

The review comments from State Agencies and County staff establish that this Application, for Master Plan Zoning, Preliminary and Final Development Plan, is in compliance with: State requirements; Article III, § 8, Other Development; Article V, § 5 Master Plan Procedures; and Article V § 7.2 Final Development Plan of the County Land Development Code.

Staff and CDRC recommendation, approval of Master Plan Zoning, Preliminary and Final Development Plan to allow a 10 megawatt electric Solar Facility on a 100 acre site subject to the following staff conditions. Mr. Vice Chair, may I enter these conditions into the record.

COMMISSIONER CHAVEZ: Yes, you may.

Conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the Master Plan/Final Development Plan.
  - a. The development shall comply with Article 1, Section 103.3.2-New Construction and Alterations of the 1997 Uniform Fire Code.
  - b. The proposed access, to the site, shall be constructed with six inches of compacted base course and twenty feet in width.
2. Master Plan/Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 7.2.2.

MR. LARRAÑAGA: Mr. Chair, I'd like to point out that Salazar passed out three letters. The first letter is handwritten and given to me at approximately about 5:15 this afternoon. He wrote it in my office [*Exhibit 4*]. The letter from John Herbrand was delivered to us this afternoon [*Exhibit 5*] and after he met with me and looked at the plan set and where the site was he emailed me this other letter stating he really didn't have any concerns [*Exhibit 6*].

COMMISSIONER CHAVEZ: Any questions of staff? Seeing none, this is a public hearing is there anyone here who would like to speak in support or opposition of this case?

COMMISSIONER STEFANICS: Mr. Chair, could we hear from the applicant because I have some questions for the applicant.

COMMISSIONER CHAVEZ: Sure. Commissioner Stefanics, go ahead and ask your questions.

[Duly sworn, Laurie Moye testified as follows for PNM]

LAURIE MOYE: My name is Laurie Moye, PNM, Albuquerque, New Mexico, 87158. Would you like a presentation or would you just like to ask questions?

COMMISSIONER CHAVEZ: I think Commissioner Stefanics you had a few questions.

COMMISSIONER STEFANICS: Yes, I do.

COMMISSIONER CHAVEZ: Go ahead.

COMMISSIONER STEFANICS: My questions are brief. Could you talk about the siting of this project. In terms of alternative energy, I think many of us are supporters so that's not the issue. In terms of the neighborhood or the people who live in the area and pass by some of their concerns are about what will be preserved, what won't be, siting to the mountains, how high – you know, could you just talk about that to allay

some fears.

MS. MOYE: Mr. Chair, Commissioner Stefanics, the people that attended the open house there were several from the small community immediately to the southwest of the project and they wanted to know if they would be able to see it from their homes. And this – they're kind of down in a gully and we're up on the other side of the hill. And we looked at that particular site. The other concern was would we be taking any of the trees out. That's not the property that we purchased that we have under option. Our methodology on preparing solar sites is we use a sustainable methodology. We will go in and we don't grade, we will go in and we will mow the site and we pound posts in the rows, so the posts are direct buried in the rows. The racks are hooked onto the posts. The panels are hooked onto the racks. The cable is buried but we basically do minimal disturbance on the site. And when the facility no longer a producing facility we will come in and take everything out and the site is left pretty much undisturbed. The panels themselves at their natural tilt, their most extended tilt because they do rotate with the sun is – they're under 7 feet high and one question was would they be as tall as the National Guard panels and the answer is no. These are low profile tracking panels. And when they saw how we were going to prepare the site and what the tracking display looked like, we had a board at the open house, they were satisfied. And this is not a site that generates a lot of traffic. They were concerned about traffic. There will be traffic during construction but there won't once the site is built out and operational. There will probably be a truck a month to check on it. We do monitor it remotely so if there's an alarm or something we'll go out and see what's going on.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. That's all for right now.

COMMISSIONER CHAVEZ: Any other questions of the applicant?  
Thank you, Ms. Moye. So now if I could I'd like to go to the public hearing.

MS. MOYE: Mr. Chair, I have a presentation that might be clearer for Commissioner Stefanics, if you'd like to see it or not. I'm fine not showing it.

COMMISSIONER STEFANICS: Are you talking about – is it a video or – yes, I would like to see it.

MS. MOYE: It's a power point presentation.

COMMISSIONER STEFANICS: Do you have it to pass out?

MS. MOYE: I don't have it to pass out but it's ready to go up there.

COMMISSIONER STEFANICS: Okay. Okay. We can see it down here too. So we're not ignoring you.

[Throughout this presentation instructions were given to the A/V technician that do not appear in this transcript]

MS. MOYE: That's fine. Mr. Chair, Commission members, PNM is seeking approval of master plan zoning, preliminary and final development plan for a 10 megawatt tracking electric solar energy facility on 100 acre site. The parcel will be used for tracking solar electric generating station and related facilities, it is called Santa Fe County Solar Energy Center and this is part of PNM's Renewable 2015 Plan. Just to refresh everyone, this is a typical electric power system. Up on the upper right hand corner those are the different types of generating stations and you'll see that there is coal, and gas, and nuclear and wind and biomass and we don't have thermal up there but we do

have thermal energy. And then there's very large solar. This particular solar even though it is 100 acres is not considered very large solar. And you'll see that when you follow the blue lines around you'll see a distribution substation and you'll see a solar cartoon there. This particular site is that size solar. It goes directly into the distribution system which leads directly to the substation and to commercial customers and residential customers in the area and this is being developed by PNM which a privately owned public utility.

The proposed Santa Fe County Solar Energy Center is located along the eastside of I-25 frontage road, south of the New Mexico National Guard Armory. This solar generating facility is a new tracking solar center proposed in Santa Fe County. This project will be the first PNM solar project in Santa Fe County.

As I said the project site is located on the eastside of I-25 frontage road on private land. The approval is necessary in order to accommodate this use where space and performance characteristics demand a specialized locale. This parcel of vacant land meets both PNM's solar requirements and layout for a successful solar generating station. A nearby electric distribution line will be used to transmit the generated energy.

Access to the project will be directly from the I-25 frontage road. An access driveway 24 feet in width is proposed into the site with a locked entrance gate. A temporary increase in traffic will occur during construction. The project will not generate traffic once it is built. As I said the facility will be operated remotely and only visited as needed by PNM or authorized personnel as needed for maintenance or repair. No septic, sewer or gas lines are needed. No water lines are needed. PNM will take advantage of natural moisture to clean the tracking solar panels. For public safety and security purposes, this site will be enclosed by a chain link security fence, 7 feet in height, topped with an additional 3 strands of barbed wire adding another foot of height and may include concertina wire rolled at the foot.

The completed facility will generate undetectable sound. Construction activities consisting of trucks entering and exiting and moving around the site may generate temporary noise during daylight hours. No odors are created. There are no health effects from the project site and this site will use approximately 40,000 panels. The proposed Santa Fe County Solar Energy Center will not be open to the public.

This site is approximately 100 acres in size and PNM has an option to purchase this private property. The \$19 million project will generate approximately 10 megawatts of solar power the equivalent of energy used by 3,980 average residential customers. Construction on the project is expected to begin in early 2015 and it is planned to be operational by winter 2015.

The total height of the tracking panels will be just under 7 feet above grade at a maximum angle. Each row segment is approximately 210 feet long and the rows can be connected. The row length varies depending on the amount of developable area. Rack piers will be driven to various depths depending on soil conditions but at a minimum depth of 6 feet. The ground under the panel will be treated for any necessary dust suppression, soil stabilization and weed control.

This is a small example of the technology that is going to be used. This is an installation at the V. Sue Cleveland High School and it's only 600 kW so it's a very small example but that shows you the trackers and the panels.



As I indicated access to the project will be directly from the I-25 frontage road which will be improved to the site entrance. We'll have a locked gate at both entrances.

Just in summary, PNM is seeking approval of a master plan zoning, preliminary and final development plan for a 10 megawatt tracking electric solar energy facility on 100 acre site. PNM is building on private land and has followed all of Santa Fe County's requirements. It's a clean, renewable energy using low profile tracking solar design. It creates no air emissions or waste products and uses no water. Santa Fe County and local schools will benefit through the increased property taxes of about \$165,000 a year. Construction, again, is expected to begin early 2015 – I know we're kind of headed away from that – and it planned to be operational by winter 2015. And I see questions, so with that I'll stand for any questions. Thank you.

COMMISSIONER CHAVEZ: Thank you. Questions of the applicant? Seeing none, thank you again to your presentation and I want to go then to the public hearing and ask if there is anyone else who would like to speak on this case. Please come forward. State your name and address for the record please.

[Duly sworn, Matthew Baca, testified as follows]

MATTHEW BACA: My name is Matthew Baca. My address is 5125 Northern Trail, NW, Albuquerque, New Mexico. I am a native of Santa Fe. Additionally, my family has a ranch west of town, the Baca Ranch, which my grandfather started in 1928 an active cattle ranch. As Commissioner Stefanics said none of us are opposed to solar and in fact, I was formerly the Deputy Cabinet Secretary of the New Mexico Energy and Minerals and Natural Resources Department. This appointment was in 1991 by Governor Bruce King. The appointment was made because of the work I had done the previous five years in the solar energy field. I was on the Solar Rating and Certification Corporations Engineering Committee in Washington, DC, as well, as the Air Conditioning and Refrigeration Institute's Solar Engineering Committee in terms of developing national certification standards for solar equipment. I was a consultant in New Mexico with a slew of small companies that I helped with mechanical engineering by education. The governor appointed me to this position and one of the key roles I played in this position was developing the State's energy plan in 1992 of which I wrote the solar engineer section promoting and pushing solar energy.

That being said, there are many issues aside that go with solar energy. The first ones that came up – I'm talking now back in the 1980s when I was doing this work was always the siting of the panels. Not everyone appreciates the site and the way a panel looks whether it be a thermal process panel or whether be a photovoltaic. And this has shown itself in this last week out in Eldorado with an editorial that was written in this last Sunday's *New Mexican* [Exhibit 7] that I'd like to pass out to the Commissioners. May I approach the Commissioners?

COMMISSIONER CHAVEZ: Yes.

MR. BACA: This is last week's, January 29<sup>th</sup>, less than two weeks old this editorial. I'll pause for a minute here so you can take a look at it. The significant issue here is that – as described by PNM it is a small development and what I have pushed for in my previous careers from the 80s for about 15 years in the 80s and the 90s is now coming to fruition and we are in the cusp of creating, in this case, 100 acre array of solar panels but eventually we'll be looking at thousands and thousands of acres of

solar arrays and panels. And as this editorial so eloquently puts it there needs to be some type of siting requirements because not everyone and quite a few people as they continue are not going to like what they see and are not going to want to see hundreds of acres of solar panels regardless of the beauty of them which I find photovoltaic to be quite beautiful, especially given some of the security needs that go with these sites.

It was described that there would be a 7 foot, if I'm not mistaken, a 7 foot chain link fence with concertina wire taking it up to 9 feet, I believe?

[Ms. Moyer responds away from the microphone]

MR. BACA: Didn't you say concertina? And this is going to be covering, miles and in this case I'm not sure what the length would be but it is my guess is for 100 acre parcel, do you know approximately –

[Ms. Moyer responds away from the microphone]

MR. BACA: I'm sorry, Mr. Chair, I do not know what the length of it will be. It depends on the actual dimensions. I attended the CDRC meeting and I think the first thing I wish to note is that the minutes of the CDRC meeting of December 19<sup>th</sup> have not been approved. And I don't know if these become part of the record here. It is my understanding that they do become part of the record but without having those minutes of the CDRC meeting of December 19<sup>th</sup> approved I think the foundation upon which you're starting and proceeding on this may be a serious flaw and may even be a fatal flaw if anybody should ever challenge this.

The development application notes a request for a zoning change; however, none of the notices adequately indicated the nature of the proposed change, what the current zoning is and what the proposed zoning was being sought. And at this point I don't know if this is a request for a zoning change although it does say zoning change on it or if there is really a zoning change that is taking place. As you know, the – or you don't know, but the staff and applicant did state in the report that the use made of this property was consistent with the proposed Sustainable Land Development Code and proposed zoning maps but those are only proposed and we have worked many years now with Land Use and Planning on that code and it is still a ways from being finished. There are a lot of discussions that are going to have to take place and occur so basing the zoning application on a proposed action by this Board later this year may be premature.

It was noted that there was another development designation but the other development designation is not a zoning designation. It describes a purported use that is allowed anywhere in the County apparently without regard to zoning. So, again, the zoning is unclear. The zoning issue is what is this actually going to be zone as. It includes power converts that are almost 10 feet in height and 14 inches wide. It has high switch gear facilities and again is surrounded by the 8 foot high barbed wire fence or 7 foot, I'm sorry, barbed wire fence. What is the zoning for this. The Zoning Code appears from my understanding to be silent on what kind of zoning we are actually talking about over here.

It does request a zoning change in the notice but it makes no sense to request a zoning change while taking the position that a zoning change is not needed. So it is unclear to us whether there is a zoning change taking place here or whether a zoning change is needed but a request for a zoning change is made in the application. Clearly, the County Commission wants the proper activities to be zoned for the proper – proper

use that they are going to be designed for. Section 5.3.1 Guidelines for types of permitted uses and structures in major or community, commercial or industrial non-residential districts of the standard industrial classification state that public or private utilities are within those categories. Major or community, commercial or industrial non-residential districts the activities and structures proposed by PNM fit at least within the categories of public or private utilities, light industry, and manufacturing and general industry. A zoning change from rural to industrial is absolutely required or should be required or the activity must be more appropriately located. Again, I go back to the zoning question: this calls for master plan zoning but we're not still unsure of what exactly that zoning is.

We find that there's a – I find that there's a vast difference between approving a particular use such as solar panels and then changing the entire zoning on a piece of property which would allow the owners to introduce far more rigorous use or use that impacts the area in a much heavier way than was originally anticipated.

As you know the entire County is currently the subject of a comprehensive rezoning process. What is being proposed is dramatic zoning for something that we've never had before which under the circumstances may not be permitted and may be inappropriate at this time. We just do not know. It may also be opening the door to other uses in the surrounding with this if it is indeed an industrial zoning and that could end up with an asphalt plant or crushing facilities or whatever it may be.

If my understanding is correct, the Historical Preservation Division approval is referenced on a report as referenced as having reviewed an archaeological study but we are unaware of what this archaeological study is and how accurate and rigorous it was and by who it was prepared.

Mr. Chairman, members of the Commission I'll finish my remarks here by stating that I do not approve – disapprove what they are doing, what the intent is here. And, in fact, I am not so much here to oppose this application as I am to bring these issues up to the Commissioners especially the zoning. Is this a zoning request change? And what kind of zoning will this result in for the solar energy panels and again to point out that that there are significant issues such as were discussed here in Eldorado and that they're going to come more to the forefront as time goes on here and as we continue to approve these as to how we are going to control the siting and the positioning of these solar panels so that in effect we don't end up having what are now, to me, beautiful objects turn into eyesores for some people.

Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: Thank you, Mr. Baca. Is there anyone else that would want to speak on this case? And then I think Mr. Baca raised a couple of questions that I would like to have staff respond to if possible.

[Duly sworn, J.J. Gonzales testified as follows]

J.J. GONZALES: My name is J.J. Gonzales. I live at 54 Entrada, La Cienega. Mr. Chair, Commissioners, thank you for this opportunity to address you on this matter. I was at the open house back in October when they presented this. They had photographs. They had a view of what they would look like. It seems that they're in a location that is not very visible, at least not visible at all from the interstate and before that I need to say that we own adjacent property to this project. So we have a parcel of

property that is right next to this property between their property and the National Guard. And I was very concerned about what they were going to do here. When I went to the open house I asked them lots of questions. They seemed to be well prepared. They answered my questions. There was a couple of questions I asked them like egress and ingress. They have a very long driveway to get to the property. This is historically one of the Golondrians Museum's parcel of property. They had a 260 acre parcel and that was sold to the Montoya family and that's been 15, 20 years ago and finally PNM asked the Montoyas if they would be interested in selling the very back portion of the property which is at least a half mile away from the interstate and it lies in a swale or in a valley and it's not very visible.

The other questions I had is how they are going to get this power that they generate with the array off the property. And there kind of seemed to be a little bit landlocked in that area but there are power lines nearby. They have to have some easements to get to those power lines but I think that is doable.

I had concerns about visibility and they addressed those. It's not visible, to me not visible at all. I think if you were on top of La Bajada Hill you might be able to see some of that array but this is eight or nine miles away.

I would support what staff says about this project. They gave the recommendations and as a property owner and a neighbor to this project I would support their effort to bring renewable energy to the table. That is something that we need. So for those reasons I think I would support this project. Thank you very much.

COMMISSIONER CHAVEZ: Thank you, Mr. Gonzales. Sir, if I could, I would like to have staff respond to a couple of concerns that were brought forward by Mr. Baca. One is the CDRC minutes, the zoning, how the zoning would be determined, and then the archaeological –

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER CHAVEZ: -- study. Yes.

COMMISSIONER STEFANICS: Is there anybody else that wants to speak from the public?

COMMISSIONER CHAVEZ: I've asked. I'll ask again. Okay, Governor.

COMMISSIONER STEFANICS: Because I'd like to hear all the pros and cons before we go back to the staff, I'm sorry.

COMMISSIONER CHAVEZ: That's fine.

[Duly sworn, Charlie Dorme testified as follows]

CHARLIE DORME: Charlie Dorme, Route 42, Box 38TP, Santa Fe, New Mexico, 87506.

Thank you, Mr. Chair and members of the committee. I come here this evening to address something that was not – well let me start another way.

The Pueblo of Tesuque does not oppose any renewable energy projects or initiatives. We are more concerned about the location and what kind of steps have been taken to consult and collaborate with tribes within the area. Fortunately enough PNM does have a tribal liaison who we keep in close contact with. A lady by the name of Cathy Newby who is in the audience. I called her when I found out that this was going to be on the agenda and I informed her that we were not aware of this and we were

concerned about the location and what kind of construction is going to be done. The same concerns that everybody has; ingress, pollution, these kind of things. And so we're interested in sitting down with PNM and discussing this project and making them aware of what concerns we have especially in that area .

As I understand it there has been a study done by the Cultural Preservation Office. I asked that they provide the tribe a copy of that and they will do so. We're not only concerned about what they found on the surface but what's buried underneath. There's techniques/technology to actually identify anything that might be under the ground and just hearing this evening about some of the things that they're going to be doing in order to construct this energy center, I have some questions.

The good news is that PNM is willing to sit down with the tribe and lay out on the table what the intent is and how we can further collaborate on this project so that all of our answers and all of our questions are answered.

So I just come here, again, to let you know that this is one thing that slipped us and PNM and that was to properly coordinate our thoughts on this project. I know there's a timeframe, there's a deadline and I don't know where the tribes going to go with this. My Governor isn't here this evening because he's at a Council meeting and myself and former Governor Mark Mitchell were chosen – we were the lucky ones so we don't have to be at a Council meeting all night. But we will be going back and giving them this information. We spoke with Ms. Moye and Ms. Newby on a conference call earlier this afternoon so we're both in agreement that we will sit down and we will discuss this project.

We also understand that the Caja del Rio Energy Center has been put on hold so we will be interested to talk to them about that also. But I think it's going to be an educational process for both.

I just want to thank the Chairman and the Commissioners here for allowing us the opportunity to inform you that we do have some concerns and hopefully we can resolve them at our level. Thank you.

COMMISSIONER CHAVEZ: Thank you, Governor.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER STEFANICS: Governor, are you telling us that from your perspective there has not been a site review for archaeological pieces?

MR. DORME: Not by us. We do have a THPO, Tribal Historic Preservation Office and former Governor Mark Mitchell is our THPO.

COMMISSIONER STEFANICS: So are you, Governor, also saying that PNM did not complete their own review?

MR. DORME: No, I am not saying that. We were informed that they did inform SHPO. But in our case if you have a THPO then SHPO kind of steps aside and people will deal directly with the tribe because we have a THPO.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I might have a question later.

COMMISSIONER CHAVEZ: Okay, then if I could I would like to go to staff because there's a question about the archaeological study that was done by the State Historic Preservation Office, the Governor alluded to that, and I guess they will provide

him a copy. The question was raised about the CDRC minutes and if they're relevant in this hearing tonight. And then a question about the zoning because we are talking about – the request is for a master plan zoning, preliminary and final development plan approval. So Mr. Larrañaga, could you touch on those three topics.

MR. LARRAÑAGA: Yes, Mr. Vice Chair. The archaeological survey that was submitted by the applicants was sent over to the State Historic Preservation Department and the SHPO sent back to us the first time was that there might be some site visibility issues on the Camino Real. So PNM rather than going forward with that and to the CDRC they went back and did a site visibility analysis, resubmitted it to SHPO and in their letter that is in the packet under NBD 19-19, SHPO agrees with those comments. With the arc study and the visibility analysis.

COMMISSIONER CHAVEZ: Okay, Mr. Larrañaga, the only other thing and maybe you might be heading there but in our packet it states that SHPO has determined that the archaeological report identified two cultural resource sites both of which were recommended not eligible for inclusion on the National Register of Historic Properties or the New Mexico State Register of Cultural Properties. HPD, Historic Properties Division, concurs with the recommendation and finds that no historic properties are affected by the undertaking. Historic Properties Division has also determined that based on the visual analysis that was performed the undertaking will have no adverse affect on SR number 1993, a state register segment of the Camino Real. And that's what you just touched on, right?

MR. LARRAÑAGA: That's correct.

COMMISSIONER CHAVEZ: Okay.

MR. LARRAÑAGA: To the minutes, they would have been approved last month in January but we didn't have a quorum for CDRC. Therefore, to keep this project going on schedule we put in the minutes that they were not approved from December but we didn't have a quorum so CDRC couldn't approve those minutes.

COMMISSIONER CHAVEZ: So, to our County Attorney, does that have any legal bearing on the case before us tonight.?

MR. SHAFFER: Mr. Chair, I think that the Board could address that situation in a couple of different ways. One way would be to hold the record open for purposes of accepting in the approved minutes once the CDRC meets later this month. If there are any substantive changes to those approved minutes then the Board could consider at its next land use meeting whether it wants to reconsider the matter based upon those substantive changes. But based upon historic practice I wouldn't anticipate that there would be substantive changes on a large scale to the minutes.

COMMISSIONER CHAVEZ: Commissioner Stefanics, do you have a question?

COMMISSIONER STEFANICS: No, Mr. Chair, I'm wondering if when it's the appropriate time that we might table this until either the next meeting or the next land use meeting in order to accomplish the approval of the minutes and the findings from the archaeological sites.

COMMISSIONER CHAVEZ: I think that would be the call of the Commission. If you're –

COMMISSIONER STEFANICS: If you're ready for a motion I'll move

that we table and I'm not sure that everything can be accomplished in –

COMMISSIONER CHAVEZ: There's one other question then and that has to do with the question of the appropriate zoning category. If the appropriate zoning category and if there is one for this kind of a facility and I guess we would want to add that to the list.

MR. LARRAÑAGA: Mr. Vice Chair, under exhibit 5, other development and uses permitted, it says, but not limited to utilities, parking facilities and cemeteries. So this would be categorized under utilities and –

COMMISSIONER CHAVEZ: So that would cover the question the question about the appropriate zoning designation for this type of a facility.

MR. LARRAÑAGA: Yes, Mr. Vice Chair. And Ordinance 1998-15 which is amending Article 3, Section 8, other development that goes into more detail and 8.1, uses permitted, says subject to the requirements of this section all uses not otherwise regulated by the code are permitted anywhere in the County provided a request for zoning approval is granted per Article 3.

So the zoning is a master plan and they have to meet those requirements in Article 3 for the master plan requirements.

COMMISSIONER CHAVEZ: So, Commissioner Stefanics.

COMMISSIONER STEFANICS: I made a motion. My motion was to table until we can get the approval of the minutes and the report back about the cultural sites and I didn't know if it could be accomplished in two weeks or if it would need to wait till next month's land use meeting. And I think only staff can tell me that.

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, with respect to the CDRC approved minutes, I believe that their meeting is next Thursday so absent any additional quorum issues then you would expect to have those back soon.

With respect to the report or additional information, if I understand, that would come into evidence concerning the cultural properties on the site that I can't speak to.

MR. LARRAÑAGA: Mr. Vice Chair, Commissioner Stefanics, so the archaeological report that PNM turned in was reviewed by State Historic Preservation and I guess I'm not understanding what we would want in addition to that.

COMMISSIONER STEFANICS: It says that two cultural resources sites were identified and I think that what we have done in the past is that we have worked with the tribes to hear from their standpoint whether or not this is important and sacred and perhaps we need to hear from the PNM tribal liaison on their perspective but it would seem to me that we would need to hear the reports.

I mean, Governor Dorne is saying that they haven't been consulted. We haven't heard from the PNM's tribal liaison, we have this paragraph – so it leaves us wondering.

COMMISSIONER CHAVEZ: There's a motion. Is there a second?

COMMISSIONER HOLIAN: I'll second that.

COMMISSIONER CHAVEZ: I think a tabling motion doesn't that cease all debate.

COMMISSIONER STEFANICS: Before the vote, if you vote on it.

COMMISSIONER CHAVEZ: So there's a motion and a second.

**The motion passed by unanimous [5-0] voice vote.**

CHAIR ANAYA: Mr. Chair, I have a few comments.

COMMISSIONER CHAVEZ: Go ahead.

CHAIR ANAYA: I think it's important that we as Commissioner Stefanics stated afford time for the minutes and some pragmatic logistical issues. But I also think it's important for there to be a discussion with the tribal entities. But I think there's a broader discussion that we need to have as a Commission as it relates to tribal entities and tribal sovereignty and I want to have a discussion and a candid discussion with all tribal entities involved in the whole county relative to assuring that their voices are heard but also getting a better understanding as to other things that happen on tribal lands and whether or not we're going to have some reciprocal opportunity to provide feedback and input into projects that occur on tribal land and that's an issue that not many people want to have discussion about but I get feedback from constituents that are non-tribal individuals that raise those same questions. So, I think it's good to step back and look at this but I also think that it's reciprocal former Governor Dorne and Governor Mitchell and those listening in on this conversation So I think it's healthy and we'll go from there.

Thank you, Mr. Vice Chair.

MR. SHAFFER: Mr. Vice Chair, again, just as I understand it for the record that the matter is tabled presumptively until the next land use meeting and that the record will be held open for purposes of receiving approved CDRC minutes as well as additional factual information and evidence with regard archaeological and cultural resources on the site. Did I capture the tabling motion accurately?

COMMISSIONER CHAVEZ: Yes, I believe so.

CHAIR ANAYA: Mr. Vice Chairman.

COMMISSIONER CHAVEZ: Yes.

CHAIR ANAYA: The other thing I want to state on the record is that it's my understanding, and Mr. Larrañaga, if you'll come back to the microphone again, I want there to be a clear distinction as to what the County's requirements have been and protocols as it relates to reviewing land use cases and that we have followed in this land use case and prior land uses the standard protocol that dealt with State Historic Preservation referred to as SHPO and the former governor brought up THPO that refers to a process that deals with tribal lands but that pursuant to our requirements that you stated and staff has stated, that we've upheld those responsibilities and requirements that we now have on the books, correct?

MR. LARRAÑAGA: Mr. Chair, that's correct. Any master plan that comes in, depending on where – how high the archaeology would be on the site that's when they would be subject to do an archaeological study and in turn we would send that to State Historic Preservation. We keep one in the file and we send that to them for their analysis to see if there is actually a site –

CHAIR ANAYA: So, and I appreciate that so the question that we're going to ask ourselves as a Commission is, in addition to that, and this is something that Mr. Dorne, Governor Dorne has brought up in the past, and others, is there some other protocol or process that we might undertake on future land use cases that may entail additional review and – not, I'm just saying that's some discussion that we as a



Commission may have at some point and what I said earlier is that we will also hopefully in this year have the reciprocal discussion associated with things that are happening on tribal lands that have a direct impact on people on non-tribal lands. And just for clarity and summary. But thank you, Mr. Larrañaga.

So, Commissioners, we do have a need for I believe – we have taken care of land use cases. Are there any other announcements or any other items?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Are we going to have an executive session?

CHAIR ANAYA: I believe we are going to have a hopefully brief executive session. But if there's no other announcements, I thank the former governors for being here and those individuals who have stayed with us this evening and provided feedback.

**5. CDRC CASE # Z/PDP/FDP 14-5370 PNM Caja del Rio Solar  
Energy Center Project  
TABLED AT AGENDA**

**VI. Matters From County Attorney**

**A. Executive Session**

**1. Threatened or Pending Litigation, as Allowed by Section 10-15-1(H)(7) NMSA 1978.**

- a. Discussion of Threatened or Pending Litigation Involving the Adult Detention Center**
- b. Discussion of Threatened or Pending Litigation Involving the Public Works Department**

CHAIR ANAYA: I would entertain a motion to go into executive.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move that we go into executive session where we will discuss threatened or pending litigation involving the Adult Detention Center and threatened or pending litigation involving the Public Works Department.

COMMISSIONER CHAVEZ: Second.

**The motion as delineated above passed by unanimous [5-0] roll call vote as follows:**

<b>Commissioner Anaya</b>	<b>Aye</b>
<b>Commissioner Chavez</b>	<b>Aye</b>
<b>Commissioner Holian</b>	<b>Aye</b>
<b>Commissioner Roybal</b>	<b>Aye</b>
<b>Commissioner Stefanics</b>	<b>Aye</b>

[The Commission met in executive session from 7:32 p.m. to 8:35 p.m.]

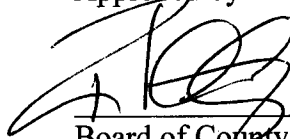
Commissioner Chavez moved to return to open session adding they discussed only those items listed on the agenda and no action was taken. Those in attendance were the five Commissioners, the County Attorney, the Deputy County Attorney and the County Manager. Commissioner Holian seconded and by unanimous [5-0] voice vote the Commission returned to open session.

### VIII. CONCLUDING BUSINESS

- A. Announcements
- B. Adjournment

Having completed the agenda and with no further business to come before this body, Chair Anaya declared this meeting adjourned at 7:32 p.m.

Approved by:



Board of County Commissioners  
Robert A. Anaya, Chair

ATTEST TO:

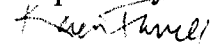


GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

3-24-2015



Respectfully submitted:

  
Karen Farrell, Wordswork  
453 Cerrillos Road  
Santa Fe, NM 87501




COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
PAGES: 69

I Hereby Certify That This Instrument Was Filed for  
Record On The 27TH Day Of March, 2015 at 09:34:05 AM  
And Was Duly Recorded as Instrument # 1760566  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

Deputy  County Clerk, Santa Fe, NM  
Geraldine Salazar

SFC CLERK RECORD03/27/2015

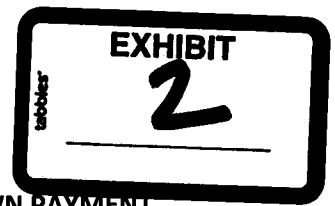
# ALTSD/AAA Capital Outlay Submission Timeline

Date due	Activity	Lead
11-Feb	Submit vehicle & equipment forms to Lisa Garcia	Liz & Leroy
13-Feb	Submit AAA draft packet for individuals Senior Centers to Greg Smith	Lisa
17-Feb	Meet with PW/Maintenance for input in Facility Condition Form	Greg, Terry, PJ
18-Feb	Brief Senior Advisory Council on the process for capital application	Greg
20-Feb	Second meeting with Public Works to discuss pending applications	Greg, Eric, Agnes
27-Feb	Hold meetings with individual Senior Centers to collect information on capital needs	Greg
4-Mar	Public/Stakeholder meeting for Strategic Plan	Greg, Michelle Lis
23-Mar	Draft packets submitted to Rachel O'Connor for review	Greg
25-Mar	Draft packets submitted to County Manager Miller	Rachel
10-Apr	Submit Capital Outlay to ALTSD/AAA	Greg

## Individual Senior Center Meetings:

- Rio en Medio: 2/10 @ 10:30
- El Rancho: 2/11 @ 9:30
- Chimayo: 2/11 @ 11:00
- Santa Cruz: 2/11 @ 1:00
- Edgewood: 2/13 @ 10:30
- Eldorado: 2/18 @ 12:30





**RELEASE OF CHERYL ROYBAL AND HERMAN ROYBAL FROM THE AFFORDABLE DOWN PAYMENT  
ASSISTANCE LIEN AND OPTION TO PURCHASE LIEN EXECUTED IN FAVOR OF SANTA FE COUNTY  
AGAINST REAL PROPERTY LOCATED AT 3930 DANIEL, SANTA FE, NEW MEXICO**

For consideration paid in the amount of Ten Thousand Dollars (\$10,000), ~~The~~ undersigned, Santa Fe County through Robert A. Anaya, Chairperson of the Santa Fe Board of County Commissioners, hereby releases in full ~~certifies that~~ the Affordable Down Payment Assistance Lien and Option to Purchase, recorded June 30, 2010 recorded as Instrument No. 1603141, for the property located at 3930 Daniel, Santa Fe, New Mexico, 87505, executed by Cheryl Roybal and Herman Roybal, ~~shall be released, upon receipt in full of the Ten Thousand Dollars in Down Payment Assistance.~~ The payment received is amount sets forth was the entire amount required to pay off the existing Down Payment Assistance Lien and Option to Purchase agreement.

IN WITNESS WHEREOF, the undersigned has executed this release on \_\_\_\_\_, 2015

\_\_\_\_\_  
Robert A. Anaya, Chairperson  
Board of County Commissioners

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Gregory S. Shaffer, County Attorney

**ACKNOWLEDGEMENT**

State of New Mexico )

Ss:

County of Santa Fe )

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by Robert A. Anaya, Chairperson of Santa Fe Board of County Commissioners, for, and on behalf of, Santa Fe County.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

S F C C L E R K R E C O R D 0 3 / 2 7 / 2 0 1 5

February 10, 2015



*Santa Fe County*

SANTA FE  
COUNTY

2015 LEGISLATIVE REPORT

SFC CLERK RECORD03/27/2015

Board Of County Commissioners Meeting Report

## 2015 SESSION DATES

February 19, 2015 - Deadline for introduction

March 21, 2015 - Session ends (noon)

April 10, 2015 - Legislation not acted upon by governor is pocket vetoed

June 19, 2015 - Effective date of legislation other than a general appropriation bill or a bill carrying an emergency clause or other specified date. All other acts become effective 90 days after adjournment of Legislature or at date specified in the act.

## LEGISLATION INTRODUCED STATISTICS

<b>Current Statistics for All Bills</b>	<b>Total</b>	<b>Ratio</b>
Bills Introduced	1094	100.00%
Bills Passed in 1st House	59	5.39%
Bills Passed in 2nd House	2	0.18%
Bills Sent to Governor	1	0.09%
Bills Signed into Law	1	0.09%

<b>Current Statistics for House Bills only</b>	<b>Total</b>	<b>Ratio</b>
Bills Introduced	470	100.00%
Bills Passed in 1st House	33	7.02%
Bills Passed in 2nd House	2	0.43%
Bills Sent to Governor	1	0.21%
Bills Signed into Law	1	0.21%

<b>Current Statistics for Senate Bills only</b>	<b>Total</b>	<b>Ratio</b>
Bills Introduced	624	100.00%
Bills Passed in 1st House	26	4.17%
Bills Passed in 2nd House	0	0.00%
Bills Sent to Governor	0	0.00%
Bills Signed into Law	0	0.00%

**Santa Fe County Resolutions and Corresponding Legislation**

**Resolution: 2014-135**

**A Resolution In Support Of New Mexico Grown Fresh Fruits And Vegetables For School Meals**

The healthy kid, healthy economy concept promotes the purchase of New Mexico fruits and vegetables for school lunch programs in order to enhance the diet of school children and help school meal programs comply with new Federal rules that require additional servings of fruits and vegetables in school lunches. A Legislative appropriation of 1.44 million dollars is part of this particular initiative.

Bill: **SB415**  
Sponsors: Sapien (D9)  
Title: **FRESH FOOD PROGRAM AND FOOD ADMINISTRATOR FOR PUBLIC SCHOOLS**  
Provides \$1,440,000 (GF, nonreverting) to the Public Education Department for use in FY 2016 and subsequent years for the purchase and distribution of New Mexico grown fresh fruits and fresh vegetables to school districts, charter schools and juvenile detention centers through PED's school meal programs. Funds are included for a full-time-equivalent position to administer and promote the initiative.  
Summary:  
Subjects: Appropriations; Schools and Teachers; Health and Medical Practice; Family and Juveniles  
Progress: 1st House: Referred to Committee  
Status: 02/02/2015 – Senate Education Committee  
History: 02/02/2015 – S Introduced and referred to Senate Education.  
02/02/2015 – S Also referred to Senate Finance.

Bill: **HB96**  
Sponsors: Hall, J. C. (R28)  
Title: **PED APPROPRIATION: FRESH PRODUCE FOR SCHOOL MEALS**  
Appropriates \$1,000,000 (GF, nonreverting) to Public Education Department for expenditure in FY 2016 and subsequent fiscal years for the purchase and distribution of fresh fruits and vegetables to school districts, charter schools and juvenile detention centers, and for a FTE position to administer and promote this initiative.  
Summary:  
Subjects: Appropriations; Agriculture and Ranching; Schools and Teachers; Public Safety and Corrections  
Progress: 1st House: Referred to Committee  
Status: 02/02/2015 – House Appropriations and Finance Committee  
01/08/2015 – H Prefiled in the House.  
History: 01/26/2015 – H Introduced and referred to House Agriculture, Water and Wildlife.  
01/26/2015 – H Also referred to House Appropriations & Finance.  
02/02/2015 – H Reported Do Pass by House Agriculture, Water and Wildlife.

**Resolution: 2014-130**

**A Resolution in Support of the New Mexico Association of Counties' (NMAC) Resolution Regarding Amendments To The Indigent Hospital and Health Care Act**

This resolution stands in support of the NMAC executive board actions taken at the October 17, 2014 meeting regarding amendments to the Indigent Hospital and Health Care Act. NMAC supports the legislative sunset of 2014 Senate Bill 268 in the year 2018.

Bill: **SB117**  
Sponsors: Rodriguez (D24)  
Title: **SUNSETS COUNTY OBLIGATION TO SAFETY NET CARE POOL FUND**  
(For the Revenue Stabilization and Tax Policy Committee) Sunsets on December 31, 2018, the obligation of counties to pay the state's Safety Net Care Pool Fund annually an amount equal to that raised by a gross receipts tax rate of one-twelfth percent.  
Summary:  
Subjects: County Affairs; Health and Medical Practice; Human Services; State Affairs and State Agencies; Taxation, Fees and Audits; Family and Juveniles; Business, Manufacturing and Economic Development  
Progress: 1st House: Referred to Committee  
Status: 02/09/2015 – Senate Finance Committee



History: 01/08/2015 – S Prefiled in the Senate.  
 01/22/2015 – S Introduced and referred to Senate Public Affairs.  
 01/22/2015 – S Also referred to Senate Finance.  
 02/09/2015 – S Reported Do Pass by Senate Public Affairs.

**Resolution: 2014-111**

**A Resolution To Support The New Mexico Association Of Counties' Resolution On County Industrial Revenue Bond Act Improvements (IRB's)**

This resolution supports legislation that expands the list of eligible projects for IRB's. It also supports legislation that removes the authority of the state Board of Finance to consider a complaint of direct or substantial competition with existing businesses near or within a proposed county IRB project.

Bill: **SB111**  
 Sponsors: Leavell (R41)  
 Title: INDUSTRIAL REVENUE BOND COMPLAINT PROCESS FOR BUSINESSES REPEALED  
 (For the Revenue Stabilization and Tax Policy Committee) Present law provides that a business within a county, or within five miles of a county, may delay the issuance of County Industrial Revenue Bonds by filing a complaint with the County Commission that the bond project competes with its business. The bonds may not be issued until after the state Board of Finance determines that the bond project does not compete. This bill abolishes the existing complaint process by repealing Sec. 4-59-15.  
 Summary: a complaint with the County Commission that the bond project competes with its business. The bonds may not be issued until after the state Board of Finance determines that the bond project does not compete. This bill abolishes the existing complaint process by repealing Sec. 4-59-15.  
 Subjects: County Affairs; Banks, Securities and Loans; Business, Manufacturing and Economic Development  
 Progress: 1st House: Referred to Committee  
 Status: 01/22/2015 – Senate Corporations and Transportation Committee  
 01/02/2015 – S Prefiled in the Senate.  
 History: 01/22/2015 – S Introduced and referred to Senate Corporations & Transportation.  
 01/22/2015 – S Also referred to Senate Judiciary.

**Resolution: 2014-110**

**A Resolution To Support The New Mexico Association Of Counties' Resolution On Increased Detention Facilities Funding**

Supports an increase in the 2015 General Appropriations Act that would fund the County Detention Facilities Reimbursement Act at a level sufficient to reimburse counties for the actual cost of holding prisoners specified under the Act.

To be an element in HB2

**Resolution: 2014-109**

**A Resolution To Support The New Mexico Association Of Counties' Resolution To Clarify The Authority And Reasons Necessary For Tax Schedule changes**

Supports legislation that will change NMSA 1978, Section 7-38-77 and NMSA 1978, Section 7-38-78 to clarify the authority and reasons necessary for tax schedule changes.

Bill: **HB67**  
 Sponsors: Trujillo, J. (D45)  
 Title: CORRECTION OF PROPERTY TAX SCHEDULE ERRORS BY COUNTY TREASURER OR  
 PROPERTY OWNER  
 Summary: (For the Revenue Stabilization and Tax Policy Committee) Expands and clarifies what types of errors the county treasurer may correct once the annual property tax schedule is transmitted to the treasurer by the

county assessor. Also, allows property tax owners additional grounds for challenging property tax schedule errors through actions brought in district court.

Subjects: County Affairs; Taxation, Fees and Audits; Land, Housing and Real Estate; Courts and Civil Matters

Progress: 1st House: Referred to Committee

Status: 02/04/2015 – House Ways and Means Committee  
01/02/2015 – H Prefiled in the House.

History: 01/26/2015 – H Introduced and referred to House Safety & Civil Affairs.  
01/26/2015 – H Also referred to House Ways & Means.  
02/04/2015 – H Reported Do Pass by House Safety & Civil Affairs.

**Resolution: 2014-108**

**A Resolution To Support The New Mexico Association Of Counties' Resolution On A Study Of Housing Options And Service Delivery For Detention Inmates With Special Medical And Mental Health Needs**

The support for this proposed study for housing options is asked to be completed by November 1, 2015.

Bill: SJM4

Sponsors: Rue (R23)

Title: REQUESTS STUDY OF OPTIONS FOR MENTALLY ILL AWAITING TRIAL  
(For the Courts, Corrections and Justice Committee) Requests the New Mexico Association of Counties to convene stakeholders to study and make recommendations for clinically appropriate housing options for persons with serious mental illness who are in custody in county detention facilities. Asks that findings be reported to the appropriate interim legislative committees by December 1, 2015.

Summary:

Subjects: Health and Medical Practice; County Affairs; Land, Housing and Real Estate; Public Safety and Corrections; Interim Studies and Interim Committees; Aging; Courts and Civil Matters; State Affairs and State Agencies

Progress: 1st House: Referred to Committee

Status: 01/21/2015 – Senate Rules Committee

History: 01/21/2015 – S Introduced and referred to Senate Rules.  
01/21/2015 – S Also referred to Senate Judiciary.

**Resolution: 2014-106**

**A Resolution To Support The New Mexico Association Of Counties' Resolution On The Safety Net Care Pool (SNCP)**

This resolution has been replaced by Resolution 2014-130.

**Resolution: 2014-105**

**A Resolution To Support New Mexico Association Of Counties' Resolution To Maintain The Southwest Chief Amtrak Service**

Supports the continuation of Amtrak's Southwest Chief current historic route. Supports a Southwest Chief Rail Service Fund creation.

**Resolution: 2014-64**

**A Resolution From Santa Fe County To Support Safe Nurse Staffing Levels In the Health Care System At The Federal, State, and Local Government, and Private Levels**

Encourages the New Mexico State Legislature to develop a state standard of quality or care through prescribed minimum nurse staffing levels, and in particular through minimum registered nurse staffing levels.

**Bill:** HB81  
**Sponsors:** Trujillo, C. (D25)  
**Title:** PATIENT SAFE STAFFING ACT  
**Summary:** (Identical in substance to 2014 HB83 and SB151) Proposes the Patient Safe Staffing Act in order to ensure that hospitals maintain a safe number of nurses on duty at all times. Vests the Department of Health with authority to administer the act, require reports from hospitals for purposes of publication and audit, and adopt rules. Provides a \$100,000 General Fund appropriation to DOH.  
**Subjects:** Health and Medical Practice; Labor; State Affairs and State Agencies; Appropriations; Information Technology; Courts and Civil Matters  
**Related:** 2014:HB83; 2014:SB151  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/26/2015 – House Regulatory and Public Affairs Committee  
01/08/2015 – H Prefiled in the House.  
**History:** 01/26/2015 – H Introduced and referred to House Regulatory & Public Affairs.  
01/26/2015 – H Also referred to House Health.

**Bill:** SB284  
**Sponsors:** Lopez (D11)  
**Title:** PATIENT SAFE STAFFING ACT  
**Summary:** (Duplicate of HB 81) (Identical in substance to 2014 HB83 and SB151) Proposes the Patient Safe Staffing Act in order to ensure that hospitals maintain a safe number of nurses on duty at all times. Vests the Department of Health with authority to administer the act, require reports from hospitals for purposes of publication and audit, and adopt rules. Provides a \$100,000 General Fund appropriation to DOH.  
**Subjects:** Health and Medical Practice; Labor; State Affairs and State Agencies; Appropriations  
**Related:** 2015:HB81; 2014:HB83; 2014:SB151  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/27/2015 – Senate Public Affairs Committee  
01/27/2015 – S Introduced and referred to Senate Public Affairs.  
**History:** 01/27/2015 – S Also referred to Senate Judiciary.  
01/27/2015 – S Also referred to Senate Finance.

#### **Resolution: 2014-33**

**A Resolution In Support Of Allowing Tribal Governments To Allocate a Portion Of Revenue Sharing Contributions To Local Government Within State Of New Mexico Gaming Compacts For The Purpose Of Assisting Local Governments To Provide Services to Tribal Governments and Communities Within Which An Indian Casino Is Located**

This resolution is offered as a means of support to those Tribal Governments wanting to contribute to local governments from Revenue Sharing Contributions. The contributions made to local governments would be for services that benefit the communities in which a casino is located. This resolution does not support the requirement that Tribal Governments must provide contributions to local governments.

#### **NOTABLES**

**Bill:** SB104  
**Sponsors:** Sharer (R1)  
**Title:** COUNTY TREASURER: INSTALLMENT PAYMENTS FOR DELINQUENT PROPERTY TAXES  
**Summary:** (For the Revenue Stabilization and Tax Policy Committee) Clarifies that Taxation and Revenue Department's authority to designate county treasurers to act as its agents in accepting delinquent tax payments extends to and includes the acceptance of installment payments from the property owner.  
**Subjects:** Taxation, Fees and Audits; County Affairs; Land, Housing and Real Estate  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/22/2015 – Senate Corporations and Transportation Committee  
**History:** 01/02/2015 – S Prefiled in the Senate.



01/22/2015 – S Introduced and referred to Senate Corporations & Transportation.  
01/22/2015 – S Also referred to Senate Public Affairs.

**Bill:** HB126

**Sponsors:** Gonzales (D42)

**Title:** SURCHARGES FOR ENHANCED 911 SERVICES

**Summary:** (Substantially similar to 2011 HB 328 and SB 422, both of which were vetoed by the Governor) (For the Science, Technology and Telecommunications Committee) Amends the Enhanced 911 Bond Act, which was initially established in order to provide 911 service to (and authorize a related surcharge upon) commercial radio operators, to apply to users of modern telecommunication devices in addition to users of commercial radios. The bill contemplates existing communications technology as well as possible future advances.

**Subjects:** Telecommunications; Information Technology; Public Safety and Corrections; Taxation and Fees; Municipalities/City Government; County Affairs; Business, Manufacturing and Economic Development; Family and Juveniles

**Progress:** Introduced

**Status:** 01/26/2015 – House Regulatory and Public Affairs Committee

**History:** 01/14/2015 – H Prefiled in the House.

01/26/2015 – H Introduced and referred to House Regulatory & Public Affairs.

02/6/2015 House Bill 126 Surcharges for Enhanced 911 Services vote was 3-3 with it being Tabled in the House Regulatory and Public Affairs Committee . The Committee discussed that it should be run through Ways and Means Committee to be vetted more.

**2015 Topical Legislative Items**

Driver's Licenses  
3<sup>rd</sup> Grade Promotion  
Film  
Minimum Wage  
Pay Day Loans Interest Rates  
Right to Work  
Oil and Gas  
Marijuana and Hemp

## Driver's Licenses

**Bill:** HB32  
**Sponsors:** Pacheco (R23)  
**Title:** TWO-TIERED DRIVER'S LICENSES  
**Summary:** HJC substitute for HB32 is yet another version of the driver's license bill that has appeared in many forms in each legislative session since 2011. Provides for a restricted temporary license or ID card for certain foreign nationals; requires proof of authorized presence; provides for licenses and ID cards to be accepted by federal agencies; increases penalties and imposes new penalties.  
**Subjects:** Transportation; State Affairs and State Agencies; Criminal Code; Family and Juveniles; Public Safety and Corrections  
**Related:** 2014:HB127; 2013:SB521  
**Progress:** 1st House: Reported from Committees  
**Status:** 02/09/2015 – House Calendar  
 12/16/2014 – H Pfiled in the House.  
 01/22/2015 – H Introduced and referred to House Safety & Civil Affairs.  
**History:** 01/22/2015 – H Also referred to House Judiciary.  
 01/30/2015 – H Reported Do Pass by House Safety & Civil Affairs.  
 01/30/2015 – H Note: HSCAC Committed Report Adopted Roll Call 38-27.  
 02/09/2015 – H Reported Do Not Pass but Do Pass as substituted by House Judiciary.  
**Scheduled:** 02/10/2015 – House Calendar, 10:00 a.m., House Chamber

**Bill:** HB79  
**Sponsors:** Rehm (R31)  
**Title:** FOREIGN NATIONAL DRIVER'S LICENSE ISSUANCE, CANCELLATION, PENALTIES  
 (Nearly identical to 2014 HB 192) Limits the issuance of driver's licenses and ID cards to include foreign nationals only if they have lawful status; reduces the validity period of licenses and ID cards; provides for cancellation of licenses of persons lacking a social security number; and provides penalties.  
**Subjects:** Transportation; Criminal Code; Courts and Civil Matters; Family and Juveniles; Construction and Materials; Agriculture and Ranching  
**Related:** 2014:HB192  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/30/2015 – House Judiciary Committee  
 01/08/2015 – H Pfiled in the House.  
 01/26/2015 – H Introduced and referred to House Safety & Civil Affairs.  
**History:** 01/26/2015 – H Also referred to House Judiciary.  
 01/30/2015 – H Reported Do Pass as amended by House Safety & Civil Affairs.  
 01/30/2015 – H Note: HSCAC Committed Report Adopted Roll Call 38-27.

**Bill:** HB117  
**Sponsors:** Hall, J. C. (R28)  
**Title:** HABITUAL TRUANTS LOSS OF STUDENT DRIVING LICENSE  
 Amends the Compulsory School Attendance Law to provide for the suspension or denial of driving privileges for school-age persons who are in violation. Starts with the 2016-2017 school year, and applies to a student in grade eight through twelve who accumulates ten or more unexcused absences and becomes a habitual truant.  
**Subjects:** Schools and Teachers; Family and Juveniles; Transportation  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/26/2015 – House Education Committee  
 01/12/2015 – H Pfiled in the House.  
**History:** 01/26/2015 – H Introduced and referred to House Education.  
 01/26/2015 – H Also referred to House Transportation & Public Works.

**Bill:** SB85  
**Sponsors:** Brandt (R40)  
**Title:** DRIVING PRIVILEGE SUSPENSION FOR SCHOOL TRUANTS  
 (Similar to 2013 SB393) Provides for suspension or postponement of driving privileges of habitually truant school-age persons; provides opportunities for a student to contest the suspension or denial after the fact; and authorizes the Motor Vehicle Division to suspend or deny driving privileges of a school-age person without a preliminary hearing.  
**Subjects:** Schools and Teachers; Family and Juveniles; State Affairs and State Agencies; Transportation; Courts and Civil Matters  
**Progress:** 1st House: Referred to Committee

Status: 01/21/2015 – Senate Education Committee  
 12/21/2014 – S Prefiled in the Senate.  
 History: 01/21/2015 – S Introduced and referred to Senate Education.  
 01/21/2015 – S Also referred to Senate Judiciary.

### 3RD GRADE PROMOTION

**Bill:** HB41  
**Sponsors:** Youngblood (R68)  
**Title:** STUDENT GRADE PROMOTION, RETENTION AND REMEDIATION  
**Summary:** (Similar to 2014 HB93 and SB45; related to 2014 SB326) Amends the Public School code to create a statewide framework of academic consequences for nonproficient students in kindergarten through grade eight.  
**Subjects:** Schools and Teachers; Family and Juveniles  
**Related:** 2015:SB66; 2014:HB93; 2014:SB45; 2014:SB326  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/04/2015 – House Calendar  
 12/18/2014 – H Prefiled in the House.  
 01/22/2015 – H Introduced and referred to House Education.  
 02/03/2015 – H Reported Do Pass as amended by House Education.  
**History:** 02/03/2015 – H Referred to House Appropriations & Finance.  
 02/04/2015 – H Note: Motion to Remove from H AFC by Rep. Roch.  
 02/04/2015 – H Note: Motion Passed 36-32 to Remove H AFC.  
 02/04/2015 – H Referral withdrawn from House Appropriations & Finance.  
**Scheduled:** 02/10/2015 – House Calendar, 10:00 a.m., House Chamber

**Bill:** HB129  
**Sponsors:** Garcia Richard (D43)  
**Title:** INDIVIDUAL CHOICE ON SCHOOL TEST  
**Summary:** Applies to public-school students who have been granted a waiver from taking department-approved college and career readiness assessment or any other assessment not factored into the student's GPA. A new section to the Public School Code provides absolution to public-school students and specifies areas where the absence of assessment results shall not jeopardize a student's standing:  
**Subjects:** Schools and Teachers; Family and Juveniles; State Affairs and State Agencies; Gambling  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/04/2015 – House Education Committee  
 01/15/2015 – H Prefiled in the House.  
 01/26/2015 – H Introduced and referred to House Education.  
**History:** 01/26/2015 – H Also referred to House Regulatory & Public Affairs.  
 02/04/2015 – H Referral withdrawn from House Regulatory & Public Affairs.  
 02/04/2015 – H Referred to House Government, Elections & Indian Affairs.

**Bill:** SB66  
**Sponsors:** Kernan (R42)  
**Title:** STUDENT GRADE PROMOTION, RETENTION AND REMEDIATION  
**Summary:** (Duplicate of 2015 HB41; similar to 2014 HB93 and SB45; related to 2014 SB326) Amends the Public School code to create a statewide framework of academic consequences for nonproficient students in kindergarten through grade eight.  
**Subjects:** Schools and Teachers; Family and Juveniles  
**Related:** 2015:HB41; 2014:HB93; 2014:SB45; 2014:SB326  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/21/2015 – Senate Public Affairs Committee  
 12/19/2014 – S Prefiled in the Senate.  
**History:** 01/21/2015 – S Introduced and referred to Senate Public Affairs.  
 01/21/2015 – S Also referred to Senate Education.  
 01/21/2015 – S Also referred to Senate Finance.  
**Scheduled:** 02/12/2015 – Senate Public Affairs Committee, 1:30 p.m. or 1/2 after session, Room 321

## FILM

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**Bill:** HB216  
**Sponsors:** Trujillo, J. (D45)  
**Title:** ASSIGNMENT OF FILM PRODUCTION TAX CREDITS  
Allows the film production company eligible to receive a film production tax credit to assign it to a financial institution.  
**Summary:** Taxation and Revenue Department would direct the tax credit amount to the financial institution instead of the film production company.  
**Subjects:** Banks, Securities and Loans; Business, Manufacturing and Economic Development; Taxation, Fees and Audits  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/28/2015 – House Business and Employment Committee  
01/28/2015 – H Introduced and referred to House Business & Employment.  
**History:** 01/28/2015 – H Also referred to House Ways & Means.

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**Bill:** HB325  
**Sponsors:** Egolf (D47)  
**Title:** EXEMPTS SERIES TV PRODUCTIONS FROM FILM CREDIT CAP  
Amounts of film production tax credit for series television productions shall not be counted toward the \$50 million annual tax credit cap and are not subject to an aggregate limit.  
**Summary:** Business, Manufacturing and Economic Development; Taxation, Fees and Audits  
**Subjects:** Business, Manufacturing and Economic Development; Taxation, Fees and Audits  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/05/2015 – House Business and Employment Committee  
02/05/2015 – H Introduced and referred to House Business & Employment.  
**History:** 02/05/2015 – H Also referred to House Ways & Means.

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**Bill:** HM29  
**Sponsors:** McCamley (D33)  
**Title:** HONORING GEORGE R.R. MARTIN FOR SCREENING "THE INTERVIEW"  
Honors Santa Fe resident, and internationally known writer, George R. R. Martin for screening "The Interview" when Sony Corporation withdrew distribution of the film. Recognizes Mr. Martin's passionate support of free speech and his contributions to world of literature and art.  
**Summary:** Constitutional Issues and Amendments; Cultural Affairs  
**Subjects:** Constitutional Issues and Amendments; Cultural Affairs  
**Progress:** 1st House: Passed  
**Status:** 02/05/2015 – Signed by Officers of House  
01/28/2015 – H Introduced and placed on Speaker's Table.  
02/04/2015 – H Removed from Speaker's table.  
02/04/2015 – H Opened for floor debate.  
**History:** 02/04/2015 – H Passed 70-0.  
02/05/2015 – H Enrolled and engrossed.  
02/05/2015 – H Signed by Officers of House.

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## MINIMUM WAGE

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**Bill:** HB20  
**Sponsors:** Varela (D48)  
**Title:** MINIMUM WAGE HOURLY RATE INCREASE  
**Summary:** (Similar to 2014 HB213) Raises the state minimum hourly wage for an employee from \$7.50 to \$10.10.  
**Subjects:** Labor; Family and Juveniles; Business, Manufacturing and Economic Development; State Affairs and State Agencies  
**Related:** 2015:SB10; 2014:HB213  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/22/2015 – House Regulatory and Public Affairs Committee  
12/16/2014 – H Prefiled in the House.  
**History:** 01/22/2015 – H Introduced and referred to House Regulatory & Public Affairs.

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01/22/2015 – H Also referred to House Business & Employment.

**Bill:** HB138  
**Sponsors:** Garcia, Miguel (D14)  
**Title:** HIKES MINIMUM WAGE  
 (Similar to 2014 HB213 and SB319) Raises over three years the New Mexico base minimum wage to \$10.10 per hour.  
**Summary:** Starting January 1, 2016, indexes the minimum wage annually for inflation. Sets the minimum wage for tipped employees at 40 percent of the general minimum wage.  
**Subjects:** Labor; Business, Manufacturing and Economic Development; Family and Juveniles; Construction and Materials; Banks, Securities and Loans; Taxation, Fees and Audits  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/26/2015 – House Regulatory and Public Affairs Committee  
 01/16/2015 – H Prefiled in the House.  
**History:** 01/26/2015 – H Introduced and referred to House Regulatory & Public Affairs.  
 01/26/2015 – H Also referred to House Business & Employment.

**Bill:** HB180  
**Sponsors:** Maez (D21)  
**Title:** MINIMUM WAGE ACT EMPLOYEE DEFINITION CHANGE  
 Present law excludes persons under the age of 18 who are not school students, or who are not high school graduates, from coverage under the Minimum Wage Act. This bill deletes these persons from those exempted from the act, thus requiring employers to pay them at least the statutory minimum wage of \$7.50 per hour.  
**Subjects:** Labor; Family and Juveniles  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/27/2015 – House Regulatory and Public Affairs Committee  
 01/27/2015 – H Introduced and referred to House Regulatory & Public Affairs.  
**History:** 01/27/2015 – H Also referred to House Business & Employment.  
**Scheduled:** 02/11/2015 – House Regulatory and Public Affairs Committee, 1:30 p.m., Room 315 (Revised 02/09/2015)

**Bill:** HB360  
**Sponsors:** Roybal-Caballero (D13)  
**Title:** HIKES MINIMUM WAGE  
 (Related to HB138 and many others) Over a three-year period, raises the New Mexico base minimum wage to \$15 per hour. Starting January 1, 2019, indexes the minimum wage annually for inflation. Eliminates the separate minimum wage for tipped employees.  
**Subjects:** Labor; Business, Manufacturing and Economic Development; Family and Juveniles; Construction and Materials; Banks, Securities and Loans; Taxation, Fees and Audits  
**Related:** 2015:HB138  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/05/2015 – House Regulatory and Public Affairs Committee  
 02/05/2015 – H Introduced and referred to House Regulatory & Public Affairs.  
**History:** 02/05/2015 – H Also referred to House Business & Employment.

**Bill:** SB10  
**Sponsors:** Sanchez, C. (D30)  
**Title:** MINIMUM WAGE HOURLY RATE INCREASE  
 (Related to HB20) Raises the state minimum hourly wage for an employee from \$7.50 to \$8.30. However, employers may pay trainee employees a minimum wage of \$7.50 for a training period not to exceed six months.  
**Subjects:** Labor; Family and Juveniles; Business, Manufacturing and Economic Development  
**Related:** 2015:HB20  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/21/2015 – Senate Public Affairs Committee  
 12/16/2014 – S Prefiled in the Senate.  
**History:** 01/21/2015 – S Introduced and referred to Senate Public Affairs.  
 01/21/2015 – S Also referred to Senate Corporations & Transportation.

**Bill:** SB342  
**Sponsors:** Campos, P. (D8)  
**Title:** HIGHER EDUCATION EMPLOYEE MINIMUM WAGES

Summary: (Identical to 2014 SB322) Raises the minimum wage to \$10.10 per hour for all state employees and every person employed at a state educational institution named in Article 12, Section 11 of the Constitution (except student employees as defined by the Higher Education Department).

Subjects: Higher Education; Labor; State Affairs and State Agencies

Related: 2014:SB322

Progress: 1st House: Referred to Committee

Status: 01/28/2015 – Senate Public Affairs Committee

History: 01/28/2015 – S Introduced and referred to Senate Public Affairs.  
01/28/2015 – S Also referred to Senate Finance.

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Bill: **SJR9**

Sponsors: Soules (D37)

Title: CA: STATE MINIMUM WAGE

Summary: Proposes to amend Article 20 of the state Constitution to establish a state minimum wage rate that will increase annually at the rate of inflation but will not increase more than four percent in any year.

Subjects: Labor; Business, Manufacturing and Economic Development; Family and Juveniles

Progress: 1st House: Referred to Committee

Status: 01/29/2015 – Senate Rules Committee

History: 01/29/2015 – S Introduced and referred to Senate Rules.  
01/29/2015 – S Also referred to Senate Judiciary.

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## PAY DAY LOANS INTEREST RATES

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Bill: **HB24**

Sponsors: Roybal-Caballero (D13)

Title: 36 PERCENT ANNUAL CAP ON LEGAL LENDING RATES

Summary: (Related to HB36) Proposes to amend Sec. 56-8-9 (relating to prohibition of excessive charges under Article 8 related to Money, Interest and Usury), the New Mexico Bank Installment Loan Act and the New Mexico Small Loan Act to impose a 36 percent cap on annual interest that may be charged or received for the extension of credit. Does not apply to any federally insured depository institution of government-issued bonds. In the event that the U.S. Prime Lending Rate exceeds 10 percent, the maximum lawful interest rate may exceed 36 percent annually but shall not exceed the Prime Lending Rate by more than 30 percentage points.

Subjects: Banks, Securities and Loans; Family and Juveniles; Business, Manufacturing and Economic Development; Taxation, Fees and Audits

Related: 2015:HB36; 2015:SB72

Progress: 1st House: Referred to Committee

Status: 01/22/2015 – House Regulatory and Public Affairs Committee  
12/16/2014 – H Prefiled in the House.

History: 01/22/2015 – H Introduced and referred to House Regulatory & Public Affairs.  
01/22/2015 – H Also referred to House Business & Employment.

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Bill: **HB36**

Sponsors: Chasey (D18)

Title: LEGAL LENDING RATES CAPPED AT 36 PERCENT

Summary: (Related to HB24, but without referencing Sec. 56-8-9 relating to prohibition of excessive charges) (For the Courts, Corrections and Justice Committee) Proposes to amend the New Mexico Bank Installment Loan Act and the New Mexico Small Loan Act to impose a 36 percent cap on annual interest that may be charged or received for the extension of credit. Does not apply to any federally insured depository institution of government-issued bonds. In the event that the U.S. Prime Lending Rate exceeds 10 percent, the maximum lawful interest rate may exceed 36 percent annually but shall not exceed the Prime Lending Rate by more than 30 percentage points.

Subjects: Banks, Securities and Loans; Family and Juveniles; Taxation, Fees and Audits

Related: 2015:HB24; 2015:SB72

Progress: 1st House: Referred to Committee

Status: 01/22/2015 – House Regulatory and Public Affairs Committee  
12/16/2014 – H Prefiled in the House.

History: 01/22/2015 – H Introduced and referred to House Regulatory & Public Affairs.  
01/22/2015 – H Also referred to House Ways & Means.

**Bill:** SB72  
**Sponsors:** Soules (D37)  
**Title:** 36 PERCENT ANNUAL CAP ON LEGAL LENDING RATES  
 (Identical to HB 24) (Related to HB 36) Proposes to amend Sec. 56-8-9 (relating to prohibition of excessive charges under Article 8 related to Money, Interest and Usury), the New Mexico Bank Installment Loan Act and the New Mexico Small Loan Act to impose a 36 percent cap on annual interest that may be charged or received for the extension of credit. Does not apply to any federally insured depository institution of government-issued bonds. In the event that the U.S. Prime Lending Rate exceeds 10 percent, the maximum lawful interest rate may exceed 36 percent annually but shall not exceed the Prime Lending Rate by more than 30 percentage points.  
**Summary:**  
**Subjects:** Banks, Securities and Loans; Family and Juveniles; Business, Manufacturing and Economic Development  
**Related:** 2015:HB24; 2015:HB36  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/21/2015 – Senate Corporations and Transportation Committee  
 12/19/2014 – S Prefiled in the Senate.  
**History:** 01/21/2015 – S Referred to Senate Corporations & Transportation.  
 01/21/2015 – S Also referred to Senate Judiciary.

### RIGHT TO WORK

**Bill:** HB75  
**Sponsors:** Roch (R67)  
**Title:** EMPLOYEE PREFERENCE ACT— RIGHT TO WORK MEASURE  
 (Similar to SB 103) (Related to SB 92 and SB 93) A right-to-work measure, cited as the Employee Preference Act, which provides that, as a condition of employment, no person may be required to become or to remain a member of, nor pay any dues, fees or charges of any kind to, a labor organization. Provides that an employer may not require a person to be recommended, approved or cleared by a labor organization as a condition of hiring, promotion or continued employment.  
**Summary:**  
**Subjects:** Labor; Public Employees/Retirement; State Affairs and State Agencies; Business, Manufacturing and Economic Development; Higher Education; Courts and Civil Matters  
**Related:** 2015:SB92; 2015:SB93; 2015:SB103  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/30/2015 – House Judiciary Committee  
 01/05/2015 – H Prefiled in the House.  
 01/26/2015 – H Introduced and referred to House Business & Employment.  
**History:** 01/26/2015 – H Also referred to House Judiciary.  
 01/30/2015 – H Reported Do Pass by House Business & Employment.  
 01/30/2015 – H Note: Committee Report Adopted 37-28.  
**Scheduled:** 02/10/2015 – House Judiciary Committee, 1:30 p.m., Room 309

**Bill:** SB92  
**Sponsors:** Rue (R23)  
**Title:** EMPLOYEE PREFERENCE ACT— RIGHT TO WORK MEASURE  
 A right-to-work measure cited as the Employee Preference Act provides that, as a condition of employment, no person may be required to become or remain a member of, nor pay any dues, fees or charges of any kind to, a labor organization.  
**Summary:** Provides that an employer may not require a person to be recommended, approved or cleared by a labor organization as a condition of hiring, promotion or continued employment.  
**Subjects:** Labor; Public Employees/Retirement; State Affairs and State Agencies  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/22/2015 – Senate Public Affairs Committee  
 12/21/2014 – S Prefiled in the Senate.  
**History:** 01/22/2015 – S Introduced and referred to Senate Public Affairs.  
 01/22/2015 – S Also referred to Senate Judiciary.

**Bill:** SB93  
**Sponsors:** Rue (R23)  
**Title:** NO PUBLIC EMPLOYEE UNION DUES DEDUCTION FROM PAYROLL

Summary: Under the Public Employee Bargaining Act the payroll deduction of a public employee's union membership dues is mandatory. This bill stops that practice by requiring that such deductions shall not be the subject of a bargaining agreement between a labor union and a public employer. Unions are left to find some other way to collect their membership dues.

Subjects: Labor; Public Employees/Retirement; State Affairs and State Agencies

Progress: 1st House: Referred to Committee

Status: 01/22/2015 – Senate Public Affairs Committee  
12/21/2014 – S Prefiled in the Senate.

History: 01/22/2015 – S Introduced and referred to Senate Public Affairs.  
01/22/2015 – S Also referred to Senate Judiciary.

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Bill: **SB103**

Sponsors: Sharer (R1)

Title: **EMPLOYEE PREFERENCE ACT— RIGHT TO WORK MEASURE**  
(Related to SB 92 and SB 93) A right-to-work measure, cited as the Employee Preference Act, which provides that, as a condition of employment, no person may be required to become or remain a member of, nor pay any dues, fees or charges of any kind to, a labor organization. Provides that an employer may not require a person to be recommended, approved or cleared by a labor organization as a condition of hiring, promotion or continued employment.

Summary:

Subjects: Labor; Public Employees/Retirement; State Affairs and State Agencies; Business, Manufacturing and Economic Development; Taxation, Fees and Audits; Courts and Civil Matters; Criminal Code

Related: 2015:SB92; 2015:SB93

Progress: 1st House: Referred to Committee

Status: 01/22/2015 – Senate Public Affairs Committee  
01/02/2015 – S Prefiled in the Senate.

History: 01/22/2015 – S Introduced and referred to Senate Public Affairs.  
01/22/2015 – S Also referred to Senate Judiciary.

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Bill: **SB183**

Sponsors: Sharer (R1)

Title: **EMPLOYEE PREFERENCE ACT— RIGHT TO WORK**  
(Identical to HB 75; similar to SB 103; related to SB 92 and SB 93) A right-to-work measure, cited as the Employee Preference Act, which provides that, as a condition of employment, no person may be required to become or to remain a member of, nor pay any dues, fees or charges of any kind to, a labor organization. Provides that an employer may not require a person to be recommended, approved or cleared by a labor organization as a condition of hiring, promotion or continued employment.

Summary:

Subjects: Higher Education; Labor; Courts and Civil Matters; Business, Manufacturing and Economic Development; Public Employees/Retirement; State Affairs and State Agencies; Taxation, Fees and Audits; Criminal Code

Progress: 1st House: Referred to Committee

Status: 01/22/2015 – Senate Public Affairs Committee  
01/14/2015 – S Prefiled in the Senate.

History: 01/22/2015 – S Introduced and referred to Senate Public Affairs.  
01/22/2015 – S Also referred to Senate Judiciary.

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## OIL & GAS

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Bill: **HB199**

Sponsors: Bandy (R3)

Title: **PROHIBITS COUNTY JURISDICTION OVER OIL AND GAS OPERATIONS**  
Clarifies that the Oil Conservation Division of the Energy, Minerals and Natural Resources Department has jurisdiction over all oil and gas operations in the state. No political subdivision or other instrumentality shall have jurisdiction, authority or control over oil and gas operations, except municipalities and those specifically provided pursuant to law.

Summary:

Subjects: County Affairs; Energy Resources and Chemicals; State Affairs and State Agencies; Land, Housing and Real Estate; Water

Progress: 1st House: Referred to Committee

Status: 01/30/2015 – House Energy, Environment and Natural Resources Committee  
01/27/2015 – H Introduced and referred to House Regulatory & Public Affairs.

History: 01/27/2015 – H Also referred to House Judiciary.  
01/30/2015 – H Referral withdrawn from House Regulatory & Public Affairs.

01/30/2015 – H Referred to House Energy, Environment & Natural Resources.  
 01/30/2015 – H Referred to House Judiciary.

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**Bill:** SB114  
**Sponsors:** Griggs (R34)  
**Title:** LOCAL GOVERNMENT SPECIAL FUEL TAX  
 (For the Transportation Infrastructure Revenue Committee) Amends and re-names the County and Municipal Gasoline and Special Fuel Tax Act to allow municipalities and counties to impose by ordinance a tax of one or two cents per gallon sold at retail within the jurisdiction.  
**Summary:** and Special Fuel Tax Act to allow municipalities and counties to impose by ordinance a tax of one or two cents per gallon sold at retail within the jurisdiction.  
**Subjects:** County Affairs; Municipalities/City Government; Transportation; Business, Manufacturing and Economic Development; Family and Juveniles; Taxation, Fees and Audits; Elections; Energy Resources and Chemicals  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/22/2015 – Senate Corporations and Transportation Committee  
 01/07/2015 – S Prefiled in the Senate.  
**History:** 01/22/2015 – S Introduced and referred to Senate Corporations & Transportation.  
 01/22/2015 – S Also referred to Senate Finance.

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**Bill:** SB184  
**Sponsors:** Sharer (R1)  
**Title:** STB FUNDING SANCTIONS FOR LOCAL GOVERNMENTS WITH STRICT MINING REGULATIONS  
 (Related to 2014 HB 55 – Chapter 66 of 2014 – and related to 2015 HB 28, HB 66, SB 26 and SB 159) Prohibits issuance of STB bonds to communities that increase the costs of mining extraction by 25 percent or more.  
**Summary:** of STB bonds to communities that increase the costs of mining extraction by 25 percent or more.  
**Subjects:** County Affairs; Municipalities/City Government; Business, Manufacturing and Economic Development; Energy Resources and Chemicals; Land, Housing and Real Estate; Natural Resources (Parks and Wildlife); Capital Outlay Requests  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/22/2015 – Senate Conservation Committee  
 01/14/2015 – S Prefiled in the Senate.  
**History:** 01/22/2015 – S Introduced and referred to Senate Conservation.  
 01/22/2015 – S Also referred to Senate Finance.

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**Bill:** SB335  
**Sponsors:** Sharer (R1)  
**Title:** STATE SYMBOLS: NAMING OIL AND GAS AS THE OFFICIAL STATE RESOURCE  
 Along with our state flower, state bird, state tree, state fish, state animal, state vegetables, state gem, state grass, state fossil, state cookie, state insect, state question, state answer, state nickname, state butterfly, state reptile, state amphibian, state aircraft, state historic railroad, state tie and state necklace we will now have a state resource . . . and, TA DA! . . . it is oil and gas!  
**Summary:** state cookie, state insect, state question, state answer, state nickname, state butterfly, state reptile, state amphibian, state aircraft, state historic railroad, state tie and state necklace we will now have a state resource . . . and, TA DA! . . . it is oil and gas!  
**Subjects:** Cultural Affairs; Energy Resources and Chemicals  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/28/2015 – Senate Rules Committee  
**History:** 01/28/2015 – S Introduced and referred to Senate Rules.  
 01/28/2015 – S Also referred to Senate Public Affairs.

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**Bill:** SB389  
**Sponsors:** Leavell (R41)  
**Title:** FILING RULES UNDER OIL AND GAS ACT  
 No rule may be adopted under the Oil and Gas Act until after a hearing by the Oil and Gas Commission. Any rule adopted shall be filed and published in accordance with the State Rules Act. Any person affected by the rule may appeal to the Court of Appeals within 30 days after filing. The Court may set the rule aside only if it is found to be (1) arbitrary, capricious or an abuse of discretion; (2) not supported by substantial evidence in the record; or (3) otherwise not in accordance with law.  
**Summary:** the Court of Appeals within 30 days after filing. The Court may set the rule aside only if it is found to be (1) arbitrary, capricious or an abuse of discretion; (2) not supported by substantial evidence in the record; or (3) otherwise not in accordance with law.  
**Subjects:** Courts and Civil Matters; Business, Manufacturing and Economic Development; Energy Resources and Chemicals; State Affairs and State Agencies  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/29/2015 – Senate Conservation Committee  
**History:** 01/29/2015 – S Introduced and referred to Senate Conservation.  
 01/29/2015 – S Also referred to Senate Judiciary.

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**Bill:** SB421  
**Sponsors:** Ingle (R27)  
**Title:** STATE PREEMPTION OF LOCAL AUTHORITY TO REGULATE AGRICULTURAL, MINING AND OIL AND GAS  
 (Related to 2014 HM92) Preempts on behalf of the state the authority of municipalities and counties to adopt ordinances or resolutions to regulate agricultural operations, mining activities and oil and gas activities. Preempts on behalf of the state the authority of counties and zoning commissions to adopt zoning ordinances to regulate agricultural operations, mining activities and oil and gas activities.  
**Summary:**  
**Subjects:** County Affairs; Municipalities/ City Government; Business, Manufacturing and Economic Development; State Affairs and State Agencies; Land, Housing and Real Estate; Agriculture and Ranching  
**Progress:** 1st House: Referred to Committee  
**Status:** 02/03/2015 – Senate Conservation Committee  
 02/03/2015 – S Introduced and referred to Senate Conservation.  
**History:** 02/03/2015 – S Also referred to Senate Judiciary.

**Bill:** SM29  
**Sponsors:** Shendo (D22)  
**Title:** STUDY IMPACTS OF INCREASED NATURAL GAS FLARING AND VENTING  
 Requests the Energy, Minerals and Natural Resources Department, Department of Environment, Indian Affairs Department, and Department of Finance and Administration to convene a Joint Task Force to study the economic and environmental impacts of the increase in natural gas flaring and venting in New Mexico.  
**Summary:**  
**Subjects:** Energy Resources and Chemicals; Environment and Pollution; Indians; State Affairs and State Agencies; Utilities; Natural Resources (Parks and Wildlife); Interim Studies and Interim Committees  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/27/2015 – Senate Rules Committee  
 01/27/2015 – S Introduced and referred to Senate Rules.  
**History:** 01/27/2015 – S Also referred to Senate Conservation.

## MARIJUANA & HEMP

**Bill:** HB160  
**Sponsors:** McCamley (D33)  
**Title:** CANNABIS REVENUE AND FREEDOM ACT  
 (Related to 2014 HM38, SB127 and SJR10; related to SB94 and SJR2) Establishes a comprehensive regulatory framework relating to marijuana and industrial hemp, which allows a person who is licensed, regulated and taxed by New Mexico to legally manufacture and sell marijuana to a person who is at least 21 years of age, subject to the provisions of the act.  
**Summary:** Authorizes the Department of Agriculture to issue industrial hemp licenses and agricultural hemp seed production permits. Retains criminal penalties for the distribution of marijuana to a person less than 21 years of age, for violence and the use of firearms in the cultivation and distribution of marijuana, for impaired driving and other adverse public health consequences, for the growing of marijuana on public land or for the possession and use of marijuana on federal property.  
**Subjects:** Health and Medical Practice; Criminal Code; State Affairs and State Agencies; Family and Juveniles; Agriculture and Ranching; Public Safety and Corrections; Appropriations; Taxation, Fees and Audits  
**Progress:** 1st House: Referred to Committee  
**Status:** 01/26/2015 – House Agriculture, Water and Wildlife Committee  
 01/26/2015 – H Introduced and referred to House Agriculture, Water and Wildlife.  
 01/26/2015 – H Introduced and referred to House Regulatory & Public Affairs.  
**History:** 01/26/2015 – H Also referred to House Ways & Means.  
 01/26/2015 – H Also referred to House Health.  
 01/26/2015 – H Also referred to House Appropriations & Finance.

**Bill:** HB357  
**Sponsors:** Maestas (D16)  
**Title:** INDUSTRIAL HEMP FARMING ACT  
 (Related to SB94) Proposes the Agricultural Hemp Act, whose stated purpose is to establish policy regarding the growing of industrial hemp so that farmers and other agricultural businesses can take advantage of this market opportunity  
**Summary:**  
**Subjects:** Agriculture and Ranching; Public Safety and Corrections; Appropriations; Business, Manufacturing and Economic Development

Progress: 1st House: Referred to Committee  
 Status: 02/05/2015 – House Agriculture, Water and Wildlife Committee  
 History: 02/05/2015 – H Introduced and referred to House Agriculture, Water and Wildlife.  
 02/05/2015 – H Also referred to House Business & Employment.

Bill: SB94  
 Sponsors: McSorley (D16)  
 Title: INDUSTRIAL HEMP FARMING ACT  
 (Identical to 2011 HB565 and 2009 HB403) The Industrial Hemp Farming Act allows the production and sale of industrial hemp and amends the definition of controlled substances to exclude hemp from the definition of marijuana. Makes \$150,000 in GF appropriations in support of the act's provisions.  
 Summary: Agriculture and Ranching; Public Safety and Corrections; Appropriations; Business, Manufacturing and Economic Development  
 Subjects: 2011:HB565; 2009:HB403  
 Related: 1st House: Referred to Committee  
 Progress: 01/22/2015 – Senate Conservation Committee  
 Status: 12/21/2014 – S Prefiled in the Senate.  
 History: 01/22/2015 – S Introduced and referred to Senate Conservation.  
 01/22/2015 – S Also referred to Senate Judiciary.  
 01/22/2015 – S Also referred to Senate Finance.  
 Scheduled: 02/10/2015 – Senate Conservation Committee, 1:30 p.m. or 1/2 hour after session, Room 311

Bill: SB383  
 Sponsors: Cervantes (D31)  
 Title: DECREASED PENALTIES FOR MARIJUANA POSSESSION  
 (Relates to 2015 HB160, very similar to 2013 HB465) Reduces the penalties for possession of small amounts of marijuana and for drug paraphernalia. Possession of synthetic cannabinoids penalties are unchanged.  
 Summary: Criminal Code; Courts and Civil Matters  
 Subjects: 2015:HB160; 2013:HB465  
 Related: 1st House: Referred to Committee  
 Progress: 01/29/2015 – Senate Public Affairs Committee  
 Status: 01/29/2015 – S Introduced and referred to Senate Public Affairs.  
 History: 01/29/2015 – S Also referred to Senate Judiciary.

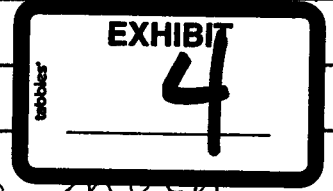
Bill: SJR2  
 Sponsors: Ortiz y Pino (D12)  
 Title: CA: ALLOWS MARIJUANA PERSONAL POSSESSION AND USE  
 Proposes to amend Article 20 of the state Constitution to legalize the possession and personal use of marijuana by persons 21 years of age and older. The Legislature will by law provide for production, processing, transportation, sale, taxation, acceptable quantities and places of use of marijuana and hemp.  
 Summary: Constitutional Issues and Amendments; Miscellaneous  
 Subjects: 1st House: Referred to Committee  
 Progress: 01/21/2015 – Senate Rules Committee  
 Status: 01/21/2015 – S Introduced and referred to Senate Rules.  
 History: 01/21/2015 – S Also referred to Senate Judiciary.  
 Scheduled: 02/11/2015 – Senate Rules Committee, 8:30 a.m., Room 321

Royce Montoya  
3-A Pablo Drive (A close Neighbor of The Project)  
(505) 316-3477

PAGE

February 10, 2015

## Concerns Pertaining to Solar Facility on 100 acre Site:



- I would like to see as much  
natural conservation as possible

- As least amount of traffic  
to and from the site

- Keep large trees at the base  
of the project (as well as the  
many small bushes)

- Never block view of mountains

- Have public meetings no  
later than 20 min of the  
time the public was told to  
arrive to participate in  
a hearing.

Thank you

Royce J. Montoya

SFC CLERK RECORD 03/27/2015



*John J. Herbrand*



Santa Fe County Commissioners

To the Commission

Yesterday, I noticed in the Albuquerque Business Journal that PNM was proposing a 75 acre site near La Cienega for a solar power site.

As I live to the west of this site and pass the area daily, I wanted to pass on my opinion and my view of the project. Although I am critical of the siting of this project, I support alternative energy. However, I view this area as a bad choice for the use. As the article indicated that the site was adjacent to the National Guard site, I believe that I know the possible site.

First, I pass the National Guard site daily and daily wonder who thought placing the solar collectors next to the highway was a good idea. The sun comes across this site later so it misses early morning sun due to a small ridge to the south and loses afternoon sun as the western land rises to a crest in the hill. Although the site does get sun, the National Guard has property behind the building which has more southerly exposure and the predominant site to the south is the penitentiary so it would have the collectors away from general public view. Therefore, I have long viewed the placement of the collectors there as a statement.

If the PNM site is next to the National Guard site, I assume that PNM is taking a similar approach as the property probably presents a similar site issue for the solar collectors and will be directly in the view of the highway traffic to Santa Fe. At the present, the state of New Mexico has a billion dollar industry in tourism and a fair portion of it travels to Santa Fe along this highway. New Mexico makes a statement to the visitors that open skies and views are important so I believe that this area is important to the general economy of the area in furthering our tourism industries. If PNM's use was moved across a ridgeline to the south, it would have little or no impact on other uses in the area, property to the south would be cheaper for the user and it would not be subject to terrain issues for solar collection as the suns rise and sunset on the basin area delivers more of what the uses needs

Therefore, I assume that the placement of this project includes an element of statement beyond the term of highest and best use of the property for the community.

We live in a state with low population which is physically about the 5<sup>th</sup> largest state in the country. Open land is abundant for this use. I always hope that our business and community leaders would take the high road view for their and community's benefit. There would seem to be better sites for this use and I understand that we want to foster alternative energy use and that the applicant has pressure on it to do so. However, I think that this statement may turn out to be a misguided statement with passers-by having the same question about what foolish person placed the collectors right there.

Very truly yours,

John Herbrand

PS- I have a solar gate at my house with a ridgeline to the south of my property and northwest of this site. We struggle from December to about now to collect enough power to operate the gate, all of which is my issue. However, it helps me understand the nature of this issue and my property would not have a view impacted directly by this project so my concern is for the betterment of the entire community.

Jose Larranaga

**From:** jjherbrand@comcast.net  
**Sent:** Tuesday, February 10, 2015 2:54 PM  
**To:** Jose Larranaga  
**Subject:** PNM solar site and our conversation



Jose,

This will confirm our conversation before the hearing on the solar site. I sent a letter to the county this morning after reading an article which seemed to indicate the project would be visible from I-25. After my discussion with you a few minutes ago, I wish that I had viewed the site of the project earlier and want to make it clear that my only concern would be a site highly visible on the entrance to Santa Fe. Based on my discussion with you, I am more assured that the project has merits and my expression of concern may have been hasty.

John

S F C C L E R K R E C O R D 0 3 / 2 7 / 2 0 1 5

# SANTA FE NEW MEXICAN

The West's oldest newspaper, founded 1849

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Owner

Robert M. McKinney  
Owner, 1949-2001

Inez Russell Gomez  
Editorial Page Editor

Ray Rivera  
Editor



S F C C L E R K R E C O R D 0 3 / 2 8 / 2 0 1 5

## OUR VIEW

# In Eldorado, solar flares

**T**hat ever-congenial community of Eldorado — so divided over backyard chickens — now is fighting over the sun. Long a leader in solar energy for residential homes, the residents of the covenant-governed subdivision are debating how much solar is too much. It's yet another divide to split neighbors and underscoring again that disputes that can arise when covenants and state laws are unclear.

Legally, residents have a right to tap into the power of the sun to run their homes. Historically, Eldorado has long been known as a place where renewable energy matters. In the 1970s, houses were built using passive solar techniques and today, there are some 200 solar installations in a community made up of 2,776 households. Solar is a way of life, in other words.

So much so that some neighbors are complaining about solar panels becoming eyesores, as unwanted as a car on blocks or a washing machine left for parts in the backyard. After all, the point of a homeowners association with covenants is to protect property values and maintain appearances. Too many panels get in the way, say critics.

Rather than having Eldoradoans fight Eldoradoans once more, enriching lawyers and creating ill will, this issue should be punted to the Legislature. We need a common standard across New Mexico that allows homeowners their rights to access solar power (after all, aren't we all interested in more renewables to save the planet while protecting the community?).

State standards would remove the dispute from the neighborhood level and should, we trust, reduce the disagreements from house to house. We can't imagine the uncomfortable nature of a dinner party in Eldorado. Hen lovers, solar activists and those who want covenants strictly enforced, all sitting around the table, trying to avoid controversy.

In the meantime, we want to ensure Eldorado residents remain neighborly. Those who have ground-based solar arrays — which some Eldorado residents don't believe are allowed — need to put up fences or install native plants to hide the panels from view, when possible. Beauty matters, too. However, the need for renewable energy is too important to stop people who want to invest in solar from moving forward. There will need to be give on all sides as standards are put together.

Right now, Eldorado's covenants dealing with solar are ambiguous — there's a clause that allows rooftop solar panels, but ground installations aren't really addressed. There needs to be a clear, understandable state law so that solar is encouraged and property rights respected. Those rights do include views and aesthetics.

In the meantime, for everyone who doesn't like the appearance of solar panels, take a deep breath. That clean air filling your lungs will stay that way — especially if New Mexico keeps adding renewable energy sources.